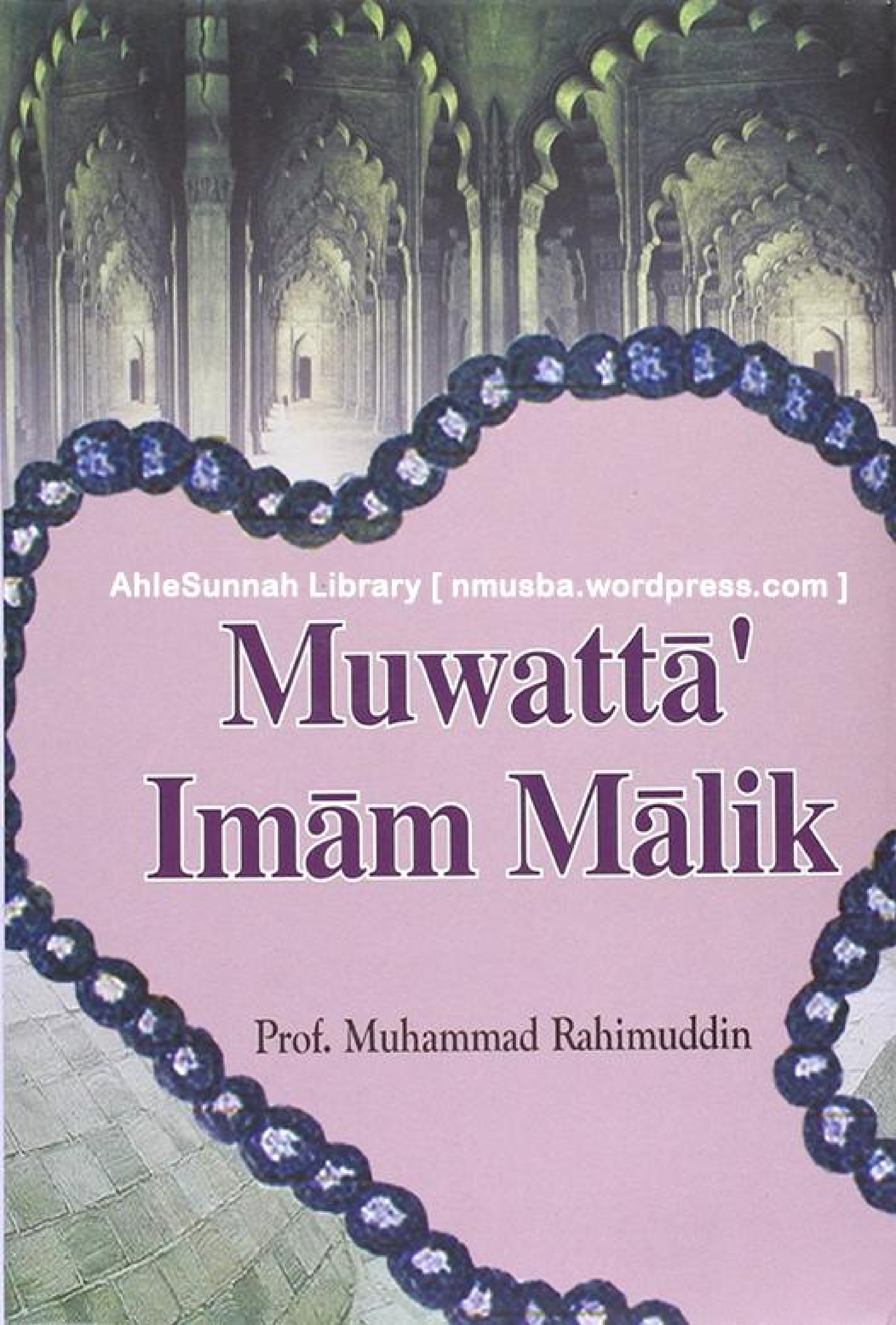


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Muwattā'
Imām Mālik
Prof. Muhammad Rahimuddin

MUWATTA' IMAM MALIK

TRANSLATED WITH EXHAUSTIVE NOTES

By

PROFESSOR MUHAMMAD RAHIMUDDIN



KITAB BHAVAN
NEW DELHI-110002

PREFACE

The *Muwaṭṭā'* of Imām Mālik, compiled during the early Abbasid period, is regarded by some scholars, including Shāh Walīyullāh, as the most authentic book on *Ḥadīth*. The juristic verdicts in *Muwaṭṭā'* reflect the practice of the Medinese and the consensus of the Medinese scholars.

After the demise of the Holy Prophet (may peace be upon him), many of his Companions settled in the conquered provinces. Some of their successors collected and codified *Ḥadīth*. For example, Ibn Jarīḥ in Mecca, Awzā'ī in Syria, Ḥammād in Baṣrah, Haitham in Wāsiṭ, Ma'mar in the Yemen, Ibn Mubārak in Khurāsān and Jarīr b. Ḥāmid in Rayy collected *Ḥadīth*. But none of these collections could compare with the *Muwaṭṭā'* of Imām Mālik, who passed his whole life in Medina and, therefore, had direct access to the most reliable authorities on *Ḥadīth*, because most of the leading Companions of the Holy Prophet (may peace be upon him) and their successors lived and died in Medina and narrated traditions from the Holy Prophet (may peace be upon him). The *Muwaṭṭā'* of Imām Mālik is based on the traditions narrated by them and the juristic verdicts given by them.

The word "*Muwaṭṭā'*" literally means the trodden or beaten path In his book, *Musawwā*, Shāh Walīyullāh says that "trodden path" or "beaten path" means the path followed by eminent religious authorities. In other words, it means those verdicts which have been discussed by all religious scholars and about which there is complete agreement.According to Maulānā Sulaimān Nadvī, "*Muwaṭṭā'*" means that trodden or beaten path which has been trodden upon by all the Companions of the Holy Prophet (may peace be upon him), or. in other words, it means the agreed practice of the Companions of the Holy Prophet (may peace be upon him).

Before Imām Mālik finalised his book, the *Muwaṭṭā'* contained about ten thousand traditions of the Holy Prophet (may peace be upon him), but since Imām Mālik exercised great care in selecting *Ḥadith* (traditions), he omitted eight thousand traditions. In its final form, the *Muwaṭṭā'* contains only about two thousand *aḥādīth* (traditions). Since the *Muwaṭṭā'* deals only with such *aḥādīth* as have a bearing on juristic verdicts, it omits many chapters and headings found in the *Ṣaḥīḥs* of Imām Bukhārī, Imām Muslim, Tirmidhī, and others. *Muwaṭṭā'* has been narrated from Imām Mālik in thirty different ways. Of these, sixteen are famous. Four narrations, those by Yaḥyā, Ibn Bukair, Abū Mus'ab and Ibn Wahb, are most authoritative, but Yaḥyā's narration surpasses them all in popularity and fame.

Imām Mālik's jurisprudence (*fiqh*) produced lasting effects on the entire Muslim world. His disciples spread in all the provinces of the Muslim Empire. It is true that Imām Abū Ḥanīfah's disciples were scattered in the Ḥijāz, Persia and Transoxania, but they did not reach Africa and Spain. Imām Awzā'ī's *fiqh* (jurisprudence) won popularity in Spain, but it did not benefit the people of Iraq and Persia. On the other hand, Imām Mālik's disciples carried his juristic learning to all corners of the Muslim world.

The *Muwaṭṭā'* of Imām Mālik was compiled during the reign of Mansūr, the second Abbasid Caliph. After he was installed as Caliph in 136 A.H., Mansūr made his first Pilgrimage to Mecca. He visited Medina where he was received by leading scholars and men of eminence. Sufyān Thawrī, Sulaimān Khwāṣṣ and Imām Mālik also came to greet him. When Manṣūr saw Imām Mālik, he addressed him saying: "I have become disgusted with the differences of the jurists on Islamic law in different regions of the Empire. There is nothing of juristic learning in Iraq. The Syrians are known for their ardent love for *jihād*. There is little learning among them. All juristic knowledge and scholarship is centred in Ḥijāz and you are the leader of the scholars of Ḥijāz. I wish that your book, *Muwaṭṭā'*, may be kept in a prominent place in the Ka'bah, so that all the people should refer to

it on juristic questions. I also wish that copies of the *Muwaṭṭā'* may be circulated in all parts of the Empire so that all juristic verdicts may conform to it." But Imām Mālik expressed his disagreement with the opinion of Manṣūr. He said: "The Companions of the Holy Prophet (may peace be upon him) settled in all provinces of the Empire. Their juristic opinions and verdicts command respect and reverence of jurists in different regions of the Empire and the people of these regions follow their juristic opinions. Under these conditions, the people should not be forced to follow the opinions of a single jurist who is not infallible, after all, and may commit errors."

Another incident of the same kind shows the sturdy independence of mind of Imām Mālik and his refusal to submit to the wishes of the governmental authority. Although Manṣūr was very kind to the Imām, the latter never recognised the legitimacy of his government. Once he issued a *fatwā* that the caliphate belongs rightfully to Nafs Zakiyyā, a descendant of the Holy Prophet (may peace be upon him). The people objected saying that they had sworn fealty to Manṣūr. Imām Mālik said : "Manṣūr has coerced you into doing this and the *Sharī'ah* does not regard as valid any act done under coercion. There is a *ḥadīth* (tradition of the Holy Prophet) that if a man is forced to divorce his wife, the divorce would be invalid." On hearing this, Ja'far, the Governor of Medina, asked the people to renew their oath of fealty to Manṣūr and ordered Imām Mālik not to issue any *fatwā* declaring that a divorce obtained by force or under coercion is invalid as this would strengthen the case of those who regarded as invalid the oath of fealty obtained by Manṣūr under coercion. But Imām Mālik refused to be browbeaten and continued to give his verdict against divorce under coercion. For this act of disobedience to the governmental authority, Imām Mālik was flogged in public until he bled white, but still he refused to bow to the wishes of the rulers.

22 December 1979 *Mazheruddin Siddiiq*

INTRODUCTION

It is my profound honour to introduce this posthumous English version of Imām Mālik's *Muwaṭṭā'* by late Professor Muhammad Rahimuddin who, to the best of my fortune, was my reverend father and teacher. As Maulana Mazheruddin Siddiqi has written the Preface and discussed *Muwaṭṭā'*, I will confine myself only to introducing the reverend and learned translator.

Professor Muhammad Rahimuddin started his career as an Assistant Professor of English of Nizam College wherefrom he was transferred to Osmania University and offered the seat of professorship. Many renowned scholars of international fame had the honour of being his pupils. Suffice to name here Dr Raziuddin Siddiqi and Dr Muhammad Hamidullah.

While in teens, during his college life, he wrote English verses and translated verses of Hāfiẓ which were published in 1905 and 1919, respectively

When Professor Muhammad Rahimuddin was in the middle of his life his talents changed trend and turned to Islamic literature. His first contribution was *Qur'ānī Kirnain* ("*Qur'ānic Beams*"), translation of "Pārah-i-'Amm" with *Tafsīr* on modern scientific lines to quench the thirst of particularly the young educated generation, which desires and demands logical explanation instead of irrationally conventional elucidations of Qur'ānic verses. In this context it would be of interest to quote a few lines from the Foreword to *Qur'ānī Kirnain* by late Maulana Manazir al-Hasan Gilani:

"Professor Rahimuddin is my colleague. I only know him as a versatile and adept professor of English having full command over English literature and modern trends but very lately it revealed upon me that he is an equally eminent scholar of Islamic literature and has a great insight into the universality of the Holy Qur'ān. He is a Muslim to the core and a votary *Mu'min* and has a unique way of approach-

ing to the mysteries of the Holy Qur'ān."

After this publication a number of books on Islam and *Ḥadīth* were transformed into English by Professor Muhammad Rahimuddin. The English version of "*Ṣahīfah-i-Hammām b. Munabbih* (by Dr. Hamidullah) was very much acclaimed. English translation of *al-Dīn al-Qayyim* is another outstanding specimen of his translations.

With the collaboration of Dr. Hamidullah, *Introduction to Islam* was published which contains invaluable articles by Professor Muhammad Rahimuddin.

During his last days he translated "Pārah-i-'Amm" and wrote its "*Tafsīr*"—on quite modern lines—on the insistence of Maulana Manazir al-Hasan Gilani, which is still in manuscript.

This translation of *Muwaṭṭā'* is his last contribution. He had revised but a little portion of it when he was summoned by Almighty Allah, may Allah rest him in peace!

I am indeed indebted to Mr. M. Ashraf Darr, Honorary Secretary and Publication Adviser, Institute of Islamic Culture, Lahore, who so very kindly took great pains in revising the manuscript and adding occasional footnotes to it and giving it the present form.

25 Safar 1400
4 January 1980

Muhammad Habibuddin Fazli

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I. KITAB AL-SALĀT

Chapter 1

TIMES OF PRAYER

(1) Muḥammad b. Muslim b. Shihāb Zuhrī reported: (Caliph) ʻUmar b. ʻAbd al-ʻAzīz once arrived late for the (ʻaṣr) prayer. ʻUrwah b. Zubair then went and spoke to him of (the incident of) Mughīrah b. Shuʻbah who had once been late for the (ʻaṣr) prayer, at the time when he was Governor of Kūfah. On that occasion, Abū Masʻūd al-Anṣārī went to the Governor and said: Why this delay, O Mughīrah? Do you not know that Gabriel came down (from Heaven) and said (ẓuhr) prayer and the Apostle of Allah (may peace be upon him) offered his prayer with him and when he (Gabriel) said his (ʻaṣr) prayer, the Apostle of Allah (may peace be upon him) offered his prayer with him, when he (Gabriel) said his (maghrib) prayer, the Apostle of Allah (may peace be upon him) also offered his prayer with him, and when he (Gabriel) said his (ʻishā') prayer, the Apostle of Allah (may peace be upon him) also offered his prayer with him and when he (Gabriel) said his (fajr) prayer, the Apostle of Allah (may peace be upon him) also offered his prayer with him; and then he (Gabriel) said: Such is what you have been ordered? ʻUmar b. ʻAbd al-ʻAzīz asked ʻUrwah whether he had fixed the times of prayer for the Apostle of Allah (may peace be upon him). ʻUrwah replied: Such was the report of Bushair b. Abū Masʻūd obtained from his father. ʻĀ'ishah, wife of the Apostle of Allah (may peace be upon him), had reported to me: The Apostle of Allah (may peace be upon him) would say his (ʻaṣr) prayer when the sun's rays were within the room, prior to ascending on the walls.[1]

(2) ʻAṭā' b. Yasār reported: A man came to the Apostle of Allah (may peace be upon him) and enquired of him the time of the

1. It was the habit of the Prophet (may peace be upon him) to say the aṣr prayer at an early hour, i.e. before the sun went down very low, the time designated by Gabriel.

morning prayer. The Apostle of Allah (may peace be upon him) remained silent. Next morning the Apostle of Allah (may peace be upon him) said his prayer immediately at early dawn, when it was still dark. The morning after that, the Apostle of Allah (may peace be upon him) said his prayer in the light of daybreak and asked : Where is he who enquired the time of prayer? The man cried out : I am here, Apostle of Allah. The Apostle of Allah (may peace be upon him) said : The time (of fajr) extends between these two.[2]

(3) 'Ā'ishah reported : As the Apostle of Allah (may peace be upon him) said his morning prayer, the ladies, after offering their prayers, returned wrapped up in their garments and could not be recognised in darkness.[3]

(4) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said : He who performed even one *rak'ah* of the morning prayer, before the rising of the sun, got the whole of it, and he who performed even one *rak'ah* of 'aṣr prayer before sunset got the whole of it.[4]

(5) Nāfi', the freed slave of 'Abd Allah b. 'Umar, reported : 'Umar b. al-Khaṭṭāb sent instructions to all his administrators that prayer was the most necessary and important of all their functions. He wrote : He who learnt the rules and regulations (of prayer), and said (it) at its proper time, presented and safeguarded his religion, and he who neglected (his prayer) lost everything else. He wrote further : Say the ẓuhr prayer when the sun declines and between the time a man's shadow is of an arm's length till the time it should extend to the full length of his height ; and say the 'aṣr prayer until the sun is still high and bright and clear, such that after the 'aṣr prayer a man could cover, before sunset, a distance of two or three farsakhs on the back of a camel ; say the maghrib prayer when the sun has set ; and say the 'ishā' prayer between the time when the twilight has departed until a third part of the night. Should a man go to bed (before 'ishā'), may God bring it about that his eye does not close, his eye does not

2. On one morning the Prophet (may peace be upon him) said his prayer at the very hours, and the following morning at the near end, so as to give a practical demonstration of the extent of time which covers the fajr prayer.

3. This tells that it is preferable to say the fajr prayer when it is still dark.

4. That the fajr and aṣr prayers would be considered to have been duly performed in time.

close, his eye does not close, in sleep. Say the morning prayer when the stars stand clear and are still thick.

(6) Mālik b. Abī ʻĀmir al-Aṣbaḥī reported : ʻUmar b. al-Khaṭṭāb wrote to Abū Mūsā al-Ashʻarī : Say the ẓuhr prayer when the sun declines ; say the ʻaṣr prayer when the sun is bright and clear and before it is yellowish ; say the maghrib prayer when the sun sets ; delay the ʻishā' prayer until you could keep awake ; and say the morning prayer when the stars are clear and thick, and recite in it two long *sūrahs* from out of the *Mufaṣṣal*.[5]

(7) ʻUrwah b. Zubair reported : ʻUmar b. al-Khaṭṭāb wrote to Abū Mūsā al-Ashʻarī : Say the ʻaṣr prayer when the sun is bright and clear and so much of the day still remains that a camel-rider could cover after the ʻaṣr prayer a distance of three farsakhs ; say the ʻishā' prayer until a third part of the night and at the most until half the night and do not be of the heedless.[6]

(8) ʻAbd Allah b. Rāfiʻ, the freed slave of Umm Salamah, the wife of Allah's Apostle (may peace be upon him), reported : He enquired of Abū Hurairah the times of prayer. Abū Hurairah replied : I can tell you the times. Say the ẓuhr prayer until your shadow lengthens to your size and say the ʻaṣr prayer until your shadow becomes double your size and say the maghrib prayer when the sun sets, and say the ʻishā' prayer this side of one-third part of the night, and the morning prayer when darkness still pervades.

(9) Anas b. Mālik reported : We used to say our ʻaṣr prayer (with the Holy Prophet in Medina) and when one of us proceeded to the locality of Banī ʻAmr b. ʻAuf he found them still saying their ʻaṣr prayer.[7]

(10) Anas b. Mālik stated : We used to say our ʻaṣr prayer (with the Holy Prophet), and if any one of us went to Qubā' and roamed about there seeing people, the sun would still be high.[8]

5. *Mufaṣṣal sūrahs* from the seventh section of the Holy Qur'ān are from Sūrah Ḥujurāt to the end (Zarqānī).

6. He who keeps up the five prayers will not be included amongst the heedless.

7. The locality of Banī ʻAmr b. Auf was at a distance of two miles from Medina (Zarqānī), or three miles from the Prophet's mosque. These people were peasants and cultivators and would say their ʻaṣr prayer after finishing their usual chores. The Holy Prophet (may peace be upon him) used to say his prayer early.

8. Qubā' was three miles distant from Medina (Zarqānī and *Muḥalla*).

(11) Qāsim b. Muḥammad b. Abū Bakr Ṣiddīq stated : I saw the Companions (of the Holy Prophet) saying their ẓuhr prayer when it was cool.

Chapter 2

THE TIME OF FRIDAY PRAYER

(12) Mālik b. Abī 'Āmir al-Aṣbaḥī reported : I used to see a mat of 'Aqil b. Abī Ṭālib being spread out below the wall on the western side of the (Prophet's) mosque on Fridays, and when the shadow of the wall covered the whole mat, 'Umar b. al-Khaṭṭāb would come out and say the Friday prayer. We would then return and sleep, after the prayer, in lieu of our forenoon prayer (chāsht).

(13) Ibn Ṣalīṭ reported that 'Uthmān b.'Affān said his Friday prayer at Medina and the 'aṣr prayer at Malal.[9] Mālik declared that the reason of this was that he was proceeding on travel and was in haste.

Chapter 3

THE MAN WHO OBTAINED ONE RAK'AH

(14) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said that he who obtained even one *rak'ah* of a prayer obtained that prayer.[10]

(15) 'Abd Allah b. 'Umar stated : If your *rukū'* is lost (*qaḍā'*), your prostration (*sajdah*) is lost (*qaḍā'*).

(16) (Imām) Mālik learnt it from 'Abd Allah b. 'Umar and Zaid b. Thābit who used to say : He who obtained the *rukū'* obtained the *sajdah*. (This is to say that he obtained that *rak'ah*.)

(17) (Imām) Mālik reported from Abū Hurairah : He who obtained the *rukū'* obtained the *sajdah* and he who could not recite Umm al-Qur'ān (Sūrah Fātiḥah) was deprived of abundant good.

9. Malal is a place seventeen, eighteen or twenty-two miles distant from Medina (Zarqānī).
10. There are several interpretations of this *ḥadith*. See *ḥadith* 4 above.

Chapter 4

SETTING OF THE SUN AND THE FALL OF NIGHT

(18) Nāfi‘ reported that ‘Abd Allah b. ‘Umar used to say that by *dulūk al-shams* is meant the decline of the sun.

(19) ‘Abd Allah b. ‘Abbās reported that *dulūk al-shams* (decline of the sun) happens when the sun's shadow shifts from the west to the east and *ghasaqi al-lail* occurs when the night approaches and darkness prevails.

Chapter 5

TIMES OF PRAYER

(20) ‘Abd Allah b. ‘Umar reported that the Apostle of Allah (may peace be upon him) declared : If a man should miss the ‘aṣr prayer it is, as it were, that all his kith and kin and goods and property have been lost.

(21) Yaḥyā b. Sa‘īd reported : When ‘Umar b. al-Khaṭṭāb was returning after (performing) the ‘aṣr prayer, he met a man who had not been present in the ‘aṣr congregation and asked him as to what had prevented him from attending it. He made some excuse. ‘Umar said : *Ṭaffafta*, which means "You have despoiled yourself of good."

(22) Yaḥyā b. Sa‘īd reported that when a man spends his time in prayer this time is not lost but remains. The time passed (in prayer) was far better than his household.

(23) Nāfi‘ reported that ‘Abd Allah b. ‘Umar fainted and lost consciousness ; thereafter he did not say *qaḍā’* prayer.

Chapter 6

SLEEPING AT PRAYER TIME

(24) Sa‘īd b. al-Musayyab reported : On his return from the Battle of Khaibar, the Apostle of Allah (may peace be upon him) started at night. When it was the latter part of the night, he dismounted and asked Bilāl to mind (the time of) the morning prayer and went to sleep. The other Companions also slept. Bilāl kept awake until God

wished. He reclined on his camel and kept his face towards the morning sky. Then he fell asleep. None woke up, neither the Apostle of Allah (may peace be upon him), nor Bilāl, nor any camel-rider, until the sun's warm rays fell upon them. The Apostle of Allah (may peace be upon him) then hurriedly woke up and asked Bilāl : What is the matter, Bilal ? Bilal replied : The same thing overcame me that overcame you. The Apostle of Allah (may peace be upon him) ordered to start (their journey) and the people put saddles on the camels. They had gone only a short distance when the Apostle of Allah (may peace be upon him) asked Bilāl to pronounce the *takbīr*. Bilāl said the *takbīr* and the Apostle of Allah (may peace be upon him) said the morning prayer. When the prayer was over, he declared that he who should forget his prayer should say it when he remembers it, for Allah commands: "Say the prayer when there is remembrance of Me" [xx. 14].

(25) Zaid b. Aslam reported : The Apostle of Allah (may peace be upon him) dismounted one night on his way to Mecca and appointed Bilāl to wake him up for prayer (and went to sleep). But Bilāl was overcome with sleep (too) and so were others, until the sun came up and the people felt frightened (at having missed the time of prayer). The Apostle of Allah (may peace be upon him) ordered them to mount so as to leave the valley and declared : Verily there is Satan in this valley. They mounted and passed through the dale. The Apostle of Allah (may peace be upon him) then ordered them to dismount and to perform ablutions. He ordered Bilāl to pronounce the *takbīr*. The Apostle of Allah (may peace be upon him) then said his prayers in company with all. Thereafter, he turned to them and, perceiving the fear, said : Verily, O people, did Allah draw away our souls, and if He had willed it, He could have diverted them away from that moment to some other. Thereafter, if any of you falls asleep at the time of prayer and forgets it and then wakes up frightened, he should say his prayer as if he would have said it at its due time. He then turned to Abū Bakr and said: Satan approached Bilāl when he was standing in prayer, made him lie down and lulled him as a child is lulled, until he went to sleep. The Apostle of Allah (may peace be upon him) then sent for Bilāl. Bilāl gave his account just as the Apostle of Allah (may peace

be upon him) had spoken to Abū Bakr of his condition. Abū Bakr cried out: I testify to the fact that you are the Messenger of Allah.

Chapter 7

PROHIBITION OF PRAYER AT NOON TIME

(26) 'Aṭā' b. Yasār reported that the Apostle of Allah (may peace be upon him) declared: Intensity of heat is the result of the ebullition of Hell. Hence when the heat is intense, delay your prayer until it is cooler. He said that Hell-fire complained to Allah: One part of me is consuming the other part. Allah then ordained for it two breaths each year: to breathe in during winter and to breathe out in summer.

(27) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said: When heat is intense, delay your prayer until it is cooler, for the intensity of heat is the result of the ebullition of Hell. And he added: Fire complained to Allah and Allah commanded two breaths for it each year, one in winter and the other in summer.

(28) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) declared: When heat is intense, delay prayer until it is cooler, for the intensity of heat is due to the ebullition of Hell.

Chapter 8

RESTRICTION ON ENTERING THE MOSQUE AFTER EATING GARLIC; RESTRICTION AGAINST COVERING OF FACE DURING PRAYER

(29) Sa'īd b. al-Musayyab reported that the Apostle of Allah (may peace be upon him) said that he who ate of that plant—the garlic—let him not approach our mosques, so as to trouble us with its odour.

(30) 'Abd al-Raḥmān b. Mujabbar reported: Whenever Sālim b. 'Abd Allah b. 'Umar saw anybody in prayer with his face covered up, he would pull out the cloth with force so that the face became (immediately) uncovered.

Chapter 9

THE MANNER OF ABLUTION

(31) 'Amr b. Yaḥyā al-Māzinī reported on the authority of his father that he asked 'Abd Allah b. Zaid who was 'Amr's grandfather[11] and a Companion of the Apostle of Allah (may peace be upon him): Can you show me how Allah's Apostle (may peace be upon him) performed his ablution? 'Abd Allah b. Zaid said: Yes, and then sent for water and poured it on his hand and washed both hands twice over, took water in his mouth and gargled, ran water in his nostrils thrice, and washed his face thrice. He then washed both his arms up to the elbows twice and then did *masḥ* with both hands, i.e. ran the fingers of both hands over the head from the front to the back and from the back to the front. (That is to say) he started running his fingers from the forehead to the nape and back from the nape of the neck to the forehead. He then washed his feet.

(32) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) declared: When any of you performs his ablution, he should take water in his nose and sneeze it out and when he takes hard pieces of earth for *istinjā'*, cleansing after urine, he should take them in odd numbers.

(33) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said: He who performs ablution should sneeze out and he who uses hard pieces of earth should take them in odd numbers.[12]

(34) Imām Mālik reported that it reached him that 'Abd al-Raḥmān b. Abū Bakr went to 'Ā'ishah, wife of the Apostle of Allah (may peace be upon him), on the day Sa'd b. Abī Waqqāṣ died and sent for water for ablution. 'Ā'ishah told him: O 'Abd al-Raḥmān, perform the whole of the ablution. She said: I have heard it from the Apostle of Allah (may peace be upon him) that the heels stand in

11. According to Zarqānī 'Abd Allah b. Zaid was not the grandfather—either maternal or paternal—of 'Amr b. Yaḥyā. The fact is that a man asked 'Abd Allah and that man was 'Ammārah b. Abī Ḥasan who was the grandfather of 'Amr b. Yaḥyā.

12. Yaḥyā stated that Imām Mālik was of opinion that there is no harm if a person takes a handful of water and with it both gargles and cleans the nose.

danger of fire.[13]

(35) 'Abd al-Raḥmān b. 'Uthmān Tamīmī reported that he heard 'Umar b. al-Khaṭṭāb saying that private parts should be cleansed with water.

Chapter 10

ABLUTION OF ONE WHO WAKES UP FOR PRAYER AFTER SLEEP

(36) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said : When any one of you wakes up after sleep he should, first, wash his hands before putting them in water, for one does not know where one's palm had been during sleep.

(37) Zaid b. Aslam reported that 'Umar b. al-Khaṭṭāb said : He who lies down full length in sleep should (after waking up) perform ablution.

(38) Zaid b. Aslam reported that the verse "O ye who believe, when ye rise up for prayer, wash your faces and your hands up to elbows and wipe your head (*masḥ*) and wash your feet up to ankles" [v. 7] refers to the rising for prayer after sleep.

(39) Ibn 'Umar reported that, while sitting, he would go to sleep and then say his prayers without performing ablution.[14]

Chapter 11

THE WATER FOR ABLUTION

(40) Abū Hurairah reported that a man came to the Apostle of Allah (may peace be upon him) and said: Apostle of Allah, we go out to the sea and have but little stock of water. If we perform our ablution with it, we shall have to remain thirsty. May we use the sea-water for the purposes of ablution? Allah's Apostle (may peace be

13. The danger referred to is for such people who in the course of ablution leave their heels dry. The warning is against leaving any part dry in the course of ablution.

14. Imām Mālik says that, in his opinion, ablution does not become obligatory with nose bleeding or flow of blood or pus. The ablution is essential when waking from sleep or after passing wind or after call of nature or after seminal discharge.

upon him) replied : Pure is the water of the sea and permissible are its dead (to eat).[15]

(41) Kabshah, daughter of Ka'b b. Mālik, reported that Abū Qatādah al-Anṣārī once visited her. She placed a vessel of water for his ablution. A cat came to drink water out of the vessel and Abū Qatādah inclined the vessel so that the cat drank its fill. Kabshah said that she stood gazing with wonder at it, whereupon Abū Qatādah asked : Do you wonder at this, O niece of mine ? She replied : Yes. Abū Qatādah explained that the Apostle of Allah (may peace be upon him) said The cat is not impure. It is a frequenter amongst you.[16]

(42) Yayḥā b. 'Abd al-Raḥmān b. Ḥāṭib reported : Once 'Umar b. al-Khaṭṭāb went with a few riders amongst whom was also 'Amr b. al-'Ās. On their way they came upon a pond of water. 'Amr b. al-'Āṣ asked the pond-owner whether wild beasts came to drink at the pond. 'Umar b. al-Khaṭṭāb said : O owner of the pond, do not tell us, for sometimes the beasts come before we do, and sometimes we come before the beasts.[17]

(43) Nāfi' reported that 'Abd Allah b. 'Umar said: During the time of the Apostle of Allah (may peace be upon him), both men and women performed their ablution together (from one container).

15. The questioner had asked only about sea-water, but the Apostle of Allah (may peace be upon him) explained about the eatables (in sea), because just as there is scarcity of fresh water in the ocean, likewise there is too often scarcity of food.

Zarqānī says that the eating of all kinds of animals of the sea which cannot subsist without water are allowed, their appearance be like fish or dogs or pigs.

Imām Abū Ḥanīfah restricts the idea to fishes and not to other sea animals. But the notable Imāms have laid down no such condition or restriction and give the term the widest connotation.

Zarqānī says that this *ḥadith* speaks of one of the fundamental factors in religion. Imām Mālik, Imām Shāfi'ī, Imām Aḥmad, with other authorities of *Sunnah* such as Dāraquṭnī, Baihaqī, Ḥākim and others, support it. So do Ibn Khuzaimah, Ibn Habbān and Ibn Mundah, Tirmidhī and Bukhārī who are all quite in agreement with it.

16. Yaḥyā stated that Imām Mālik said : There is no harm in the cat's having drunk the water unless there be anything impure upon its mouth.

17. It was a pond in the wilderness. Both men and beasts came to drink at it, hence the need of it makes it pure.

Chapter 12

THINGS THAT DO NOT MAKE ABLUTION NECESSARY

(44) The mother of Ibrāhīm b. ʻAbd al-Raḥmān b. ʻAuf spoke to Umm Salamah, wife of the Apostle of Allah (may peace be upon him), and said: My garment is low and long and sometimes I have to walk over impure places, whereupon Umm Salamah replied that the Apostle of Allah (may peace be upon him) had said that what came after purified it.

(45) Mālik related that he saw Rabīʻah b. Abī ʻAbd al-Raḥmān vomiting out water several times. He was in the mosque and said his prayer without performing ablution.[18]

(46) Nāfiʻ reported that ʻAbd Allah b. ʻUmar applied scent to the (dead) child of Saʻīd b. Zaid, took him up, came to the mosque and said his prayer without performing ablution.[19]

Chapter 13

EATING OF COOKED FOOD DOES NOT NECESSITATE ABLUTION

(47) ʻAbd Allah b. ʻAbbās reported that the Apostle of Allah (may peace be upon him) ate slices of mutton and said his prayer without performing ablution.

(48) Suwaid b. Nuʻmān reported: We went out with the Apostle of Allah (may peace be upon him) the year the battle of Khaibar (was fought). When we arrived at Ṣahbā' (a village behind Khaibar in the direction of Medina), the Apostle of Allah (may peace be upon him) dismounted and asked for food, but there was nothing except *sattū* (powdered grain). The Apostle of Allah (may peace be

18. Imām Mālik said that after vomiting the washing of the face and gargling is enough. Yaḥyā reported: Mālik was asked whether a man who regurgitates food (in vomit) should perform ablution. He replied that ablution was not obligatory. He should gargle and wash his mouth.

19. Zarqānī stated that the purpose of Imām Mālik was to point out that what another *ḥadith* quoted by some to the effect that they who bathe the corpse or bear the bier should perform ablution, is not supported or proved by facts or any other *ḥadith*.

Shāh Walī Allah says that a large majority of learned men agree that the bearing of a funeral or bier does not necessitate the performing of ablution.

upon him) asked it to be mixed up with water and it was done. And the Apostle of Allah (may peace be upon him) and all of us ate of it. Thereafter the Apostle of Allah (may peace be upon him) gargled and stood up to say the sunset prayer and we gargled too and said our prayer with him. The Apostle of Allah (may peace be upon him) did not perform ablution.

(49) Abān b. 'Uthmān reported: 'Uthmān b. 'Affān ate his meal and bread, gargled, washed his hands, wiped his mouth and said his prayer and did not perform ablution.

(50) Mālik learnt that 'Alī b. Abī Ṭālib and 'Abd Allah b. 'Abbās were not used to performing ablution after eating food (cooked on fire).

(51) Yaḥyā b. Sa'īd enquired of 'Abd Allah b. 'Āmir b. Rabī'ah whether a man who had performed ablution for prayer and eaten food cooked on fire thereafter should perform his ablution afresh. 'Abd Allah replied that he had seen his father 'Āmir b. Rabī'ah b. Ka'b b. Mālik (a noted Companion of the Holy Prophet) eating food cooked on fire and not renewing his ablution.

(52) Abū Nu'aim Wahb b. Kaisān heard it from Jābir b. 'Abd Allah al-Anṣārī that he saw that Abū Bakr Ṣiddīq ate meat and said his prayer without performing ablution.

(53) Muḥammad b. al-Munkadir reported that the Apostle of Allah (may peace be upon him) was invited (to a meal) and was served with bread and meat. He ate of it and performed the ablution and said his prayer; and then came the remainder of the food. He ate it and said his prayer but did not perform ablution.

(54) 'Abd al-Raḥmān b. Zaid al-Anṣārī reported: When Anas b. Mālik returned from Iraq, Abū Ṭalḥah and Ubayy b. Ka'b went to see him. Anas placed before them food that had been cooked on fire. All ate of it. Anas then rose and performed his ablution. Abū Ṭalḥah and Ubayy b. Ka'b asked him whether he had learnt at Iraq the habit of performing ablution after eating food. Anas replied: Oh! that I had not performed the ablution, and stood up. Abū Ṭalḥah and Ubayy b. Ka'b said their prayer without performing ablution.

Chapter 14

MISCELLANEOUS RULES ABOUT CLEANLINESS

(55) 'Urwah b. Zubair reported: The Apostle of Allah (may peace be upon him) was questioned about cleanliness (after urination). He said : Does no one of you find three pebbles?[20]

(56) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) went to the cemetery and said : Peace be on you, O tribe of the faithful, and, if Allah wills, we are about to meet you. I desired to see my brethren. The Companions spoke : Messenger of Allah, are we not your brethren ? The Apostle of Allah (may peace be upon him) said : Verily you are to me more than brethren : my Companions. My other brethren are those who are not yet come into the world and I shall on the Day of Judgment be their precursor and leader at the Fountain of Kauthar. The Companions then asked : Messenger of Allah, how will you recognise those who would come after you? The Apostle of Allah (may peace be upon him) said : Tell me, should a man's horses having pure white faces and white legs get mixed up with deep black horses, will he not be able to recognise his own? The Companions said : Yes, he will recognise them. The Apostle of Allah (may peace be upon him) said : In the same manner will my brethren arrive on the Day of Resurrection with shining faces and feet on account of their ablutions and I shall be at their head at the Fountain of Kauthar lest any of them be deprived of admittance at the Fountain like that camel which gets lost from his master. If such be the case I shall call out to them : Come hither, come hither, come hither, and if it is reported that they changed my *Sunnah* after me, I shall then say : Get away, get away, get away.

(57) Humrān, the freed slave of 'Uthmān b. 'Affān, reported that 'Uthmān b. 'Affān was sitting on the platform when the *mu'adhdhin* came and informed him of the afternoon prayer. 'Uthmān sent for water and performed the ablution and said : By Lord, I shall tell you of a *hadīth*; if that *hadīth* had not been in the Book of Allah, I would not have related it. I heard the Apostle of Allah (may peace

20. For the sake of cleanliness, three pebbles or pieces of earth are sufficient. The Apostle of Allah (may peace be upon him) used even sometimes.

be upon him) saying : There is no individual who performs ablution well and says his prayer, but all his sins from that moment until the time of his next prayer are forgiven.[21]

(58) 'Abd Allah Ṣanābiḥī reported that the Apostle of Allah (may peace be upon him) said : When a believer performs ablution and gargles out water from the mouth, all sins are cast out from it, and when he blows water from his nose, they issue out of nose, and when he washes his face, they flow out of his face and from underneath his eyebrows and eyelids, and when he washes his arms, they run out along the ends of his finger-nails, and when he wipes his head they trickle out of his ears, and when he washes his feet, they run out of his toe-nails; and later as he wends his way to the mosque and offers prayer that is an additional virtue.

(59) Abū Hurairah reported : The Messenger of Allah (may peace be upon him) said : When a Muslim or a Mū'min (believer) starts his ablution and washes his face, every sin he had witnessed with his eyes flows off from his face with the flow of water or with the last drop of water, and when he washes his hands, every sin his hands had grasped issues out of his hands with the water or with the last drop of water, and when he washes his feet, every sin for which his feet had walked runs out with the water or with the last drop of water that in the end the individual himself stands out free and clean of all sins.

(60) Anas b. Mālik reported : I saw the Messenger of Allah (may peace be upon him) when the hour of 'aṣr had approached. The people sought water for the ablution but did not find any. Thereafter was brought to the Messenger of Allah (may peace be upon him) a vessel of water and he put his hands into it and ordered the people to perform their ablution. Anas says : I saw that a fountain of water was gushing out from underneath his fingers and the people performed their ablution, so that the last of them performed it too.[22]

(61) Nu'aim b. 'Abd Allah al-Majmir heard Abū Hurairah say-

21. Yaḥyā stated : Imām Mālik said that the reference was perhaps to the Qur'ānic verse : Establish prayer on either side of the day and that of the night. Verily the evil is wiped out by the good. This is a remembrance to those who remember God" (xi. 114).

22. The vessel was a bowl and three-fourth of it was filled with water and the number of people who performed ablution was about three hundred.

ing : He who performed his ablution properly and went out with the intent of prayer is in the state of prayer from the time he made his intention and, for every step he takes, an act of virtue is credited to him and for every other step an evil step is wiped out of his account. Hence when any one of you should hear the call for prayer, he should not run forth, for he whose house is farther away gets the greater reward. He (Nu'aim) asked the reason and Abū Hurairah said: Because (the number of) his steps would be more.

(62) Yaḥyā b. Sa'īd asked Sa'īd b. al-Musayyab regarding the use of water after easing oneself, and he said that this was the way of cleanliness of women.

(63) Abū Hurairah reported : The Messenger of Allah (may peace be upon him) said that when a dog should drink out of your vessel, it should be washed seven times.

(64) It reached Mālik that the Messenger of Allah (may peace be upon him) said : Be on the right path, and the good (occurring) from it would be beyond all count ; the best of your action is prayer and none but the believer will safeguard the ablution.

Chapter 15

THE WIPING OF HEAD AND EARS

(65) Nāfi' reported that 'Abd Allah b. 'Umar was wont to take up water with two of his fingers for the wiping of his ears.

(66) It reached Mālik that Jābir b. 'Abd Allah al-Anṣārī was asked about wiping over the turban (head-dress). He answered that there was no wiping but that of the hair with water.

(67) 'Urwah b. Zubair used to wipe over his head after taking off his turban.

(68) Nāfi' reported that he saw Ṣafiyyah, daughter of Abi 'Ubaid and wife of 'Abd Allah b. 'Umar, taking off the cloth with which the head was covered,[23] and then wiping over her head with water. Nāfi'

23. Otherwise how could he look at her head ? Ibn 'Abd al-Barr said that wiping over the turban is permissible according to the Messenger of Allah (may peace be upon him). 'Amr b. Umayyah, Bilāl, Mughīrah and Anas also support this view. Bukhārī has reported this *ḥadith* and thinks it permissible to wipe over the turban. 'Amr, Aḥmad, Auzā'ī, Dāwūd and others also consider it permissible. And a number of Companions, such as Abū Bakr, 'Umar, Anas, Isḥāq and Wakī' b.

was at the time under age.

Chapter 16

THE WIPING OVER SHOES

(69) Al-Mughīrah b. Shu'bah reported : The Messenger of Allah (may peace be upon him) went to ease himself during the Battle of Tabūk and I carried water along. When he returned, I poured water and he washed his face and then tried to take his arms out of the sleeves of his garment but they were so tight that the arms could not be got out, until at last he took them out from beneath his robe and washed his arms and did the wiping over the head and over his shoes. When the Messenger of Allah (may peace be upon him) returned, 'Abd al-Raḥmān b. 'Auf was conducting the prayer and one *rak'ah* was over. The Messenger of Allah (may peace be upon him) then said the one remaining *rak'ah* behind 'Abd al- Raḥmān b. 'Auf. Later when he finished his prayer the people seemed disturbed, but he said : You did well.

(70) Nāfi' and 'Abd Allah b. Dīnār reported : 'Abd Allah b. 'Umar arrived at Kūfah and saw Sa'd b. Abī Waqqās, Governor of Kūfah, wiping over his shoes. 'Abd Allah objected. Sa'd told him to ask his father on his return home. When 'Abd Allah returned, he forgot to ask his father until the time came when Sa'd arrived at the place and asked him whether he had enquired from his father. 'Abd Allah replied that he had not and then questioned his father. 'Umar said : When you put your feet into the shoes and your feet are clean, then do the wiping over the shoes. 'Abd Allah asked : Shall it be so even after coming back from the call of nature ? 'Umar replied : Yes, even if one of you should have returned after answering the call of nature.

(71) Nāfi' reported : 'Abd Allah b. 'Umar passed urine in a street,

al-Jarrāḥ are of the same opinion. Qāḍī Shaukānī also follows this practice.

Yaḥyā stated that Imām Mālik was asked about wiping on the turban or head-gear and he replied that it is not proper for a man to do the wiping over the turban or for a woman over her head-cover. The wiping of head is essential. The same is the opinion of Abū Ḥanīfah and Shāfi'ī.

Yaḥyā stated that Imām Mālik was asked about the case of the person who performed ablution but forgot to do wiping over the head until it happened that other parts dried up. He replied that he should wipe his head and the prayer already said should be said again.

and then performed ablution and washed his face and hands and did the wiping over the head. He was then called to a funeral prayer. When he entered the mosque he did the wiping over the shoes and then said the funeral prayer.[24]

(72) Sa'īd b. 'Abd al- Raḥmān b. Ruqaish al-Ash'arī saw Anas b. Mālik coming to Qubā', that he made water ; then water for ablution was brought. He performed the ablution, washed his face and hands up to elbows, and did the wiping over the head and over the shoes and then entered the mosque and said his prayer.[25]

Chapter 17

THE METHOD OF WIPING OVER THE SHOES

(73) Hishām b. 'Urwah reported that he saw his father wiping over the shoes, from above the shoes, not from below or within.

Chapter 18

BLEEDING FROM THE NOSE

(74) Nāfi' reported : When 'Abd Allah b. 'Umar had nose-bleeding during prayer, he would come out, perform the ablution and return to say whatever prayer was still available and did not speak in the meanwhile.

(75) It reached Mālik that when 'Abd Allah b. 'Abbas had nose-bleeding, he would go out and wash the blood and return to complete whatever prayer was available.[26]

(76) Yazid b. 'Abd Allah b. Qusaiṭ al-Laithī reported that he saw that when Sa'īd b. al-Musayyab had nose-bleeding during prayer, he repaired to the room of Umm Salamah, wife of the Messenger of Allah (may peace be upon him). Water was then brought for ablution and he performed[27] it and returned and completed his prayer.

24. Either the wiping over the shoes was omitted, in the first instance, due to forgetfulnses or some physical incapacity and the mosque was close to the market.

25. Imām Mālik reported : He asked Ibn Shihāb the manner of wiping (*masḥ*) over the socks. Ibn Shihāb placed one hand under the sock and the other on the top and drew them both. Mālik says : The saying of Ibn Shihāb is greatly to my liking.

26. Nose-bleeding does not negate ablution.

27. Performed (ablution) meant washed the nose

(77) 'Abd al-Raḥmān b. Ḥarmalah al-Aslamī said : I saw Sa'īd b. al-Musayyab that he had nose-bleeding and so much blood flowed out that his fingers got reddened with blood and he said his prayer without performing ablution.

(78) 'Abd al-Raḥmān b. al-Mujabbar reported that he saw Sālim b. 'Abd Allah b. 'Umar that blood was flowing from his nose and his fingers were reddened with it, and he rubbed it off and said his prayer and did not perform ablution.

Chapter 19

REGARDING CASES WHERE BLOOD CONTINUES TO FLOW EITHER FROM NOSE OR FROM A WOUND

(79) Miswar b. Makhramah reported: I went to 'Umar b. al-Khaṭṭāb on the night he was wounded and awakened him for the morning prayer. 'Umar said : Yes, evil is the share of him in Islam who omits prayer. 'Umar said his prayer while blood was flowing from his wound.

(80) Yaḥyā b. Sa'īd reported : Sa'īd b. al-Musayyab asked : What do you say in respect of a man whose nose bleeds and the blood does not stop ? Yaḥyā b. Sa'īd said that Sa'īd again stated : In my opinion he should say his prayer by signs (of his head).

Chapter 20

WHETHER ABLUTION BREAKS AFTER THE FLOW OF PROSTATIC FLUID[28] FROM THE (MALE) SEXUAL ORGAN

(81) 'Alī b. Abī Ṭālib asked Miqdād b. al-Aswad to enquire of the Messenger of Allah (may peace be upon him) as to what became needful for a man who was fondling his wife and the precoital fluid oozed out. 'Alī explained that since the Messenger's daughter was wedded to him he felt shy and diffident in asking the question him-

28. A waterish fluid (*madhi*—the precoital fluid) flows through the sexual organ prior to intercourse and it does not lessen the urge for intercourse. Semen is a fluid which discharges with a force and pacifies the urge and *wadi* is the fluid which follows urine.

self. Miqdād asked and the Messenger of Allah (may peace be upon him) replied: If such a thing should befall any one of you, wash your organ and perform ablution in the manner in which ablution is performed for prayer.

(82) Aslam al-'Adawī reported : 'Umar b. al-Khaṭṭāb stated : Prostatic fluid flows from me as a globule of glass. If such an event befalls any one of you, wash your organ and perform ablution in the same manner as is performed for prayer.

(83) Jundub, the freed slave of 'Abd Allah b. 'Ayyāsh Makhzūmī, enquired of 'Abd Allah b. 'Umar the rule obtaining about the prostatic fluid. He replied: When you perceive that the prostatic fluid has oozed out, wash your organ and perform ablution as you would perform for prayer

Chapter 21

EXEMPTION FROM ABLUTION AFTER THE FLOW OF THE PROSTATIC FLUID

(84) Yaḥyā b. Sa'īd reported: I was listening when a man asked Sa'īd b. al-Musayyab: I feel wetness during prayer; shall I stop prayer? Sa'īd replied: Even if it should flow down up to my thigh, I would not stop my prayer until I finish it.

(85) Ṣalat b. Zubaid reported that he asked Sulaimān b. Yasār: I feel wetness. Sulaimān said: Sprinkle water on your nether cloth and ignore it and forget it.

Chapter 22

ABLUTION COMPULSORY ON TOUCHING THE SEXUAL ORGANS

(86) 'Abd Allah b. Abū Bakr b. Muḥammad b. 'Amr b. Ḥazm reported that he heard from 'Urwah b. Zubair who said that he had gone to Marwān b. al-Ḥakam and spoke of things that necessitate ablution. Marwān said: Touching the organ makes ablution necessary. 'Urwah said: I have no knowledge of it. Marwān b. al-Ḥakam said: I was told by Busrah, daughter of Ṣafwān, who had

heard it from the Messenger of Allah (may peace be upon him) that if any one of you should touch his sexual organ, he should perform ablution.

(87) Muṣ'ab b. Sa'd b. Abī Waqqāṣ reported: I used to hold the Holy Book and Sa'd b. Abī Waqqāṣ used to recite. One day I scratched myself. Sa'd said: Perhaps you have touched your organ. I said: Yes. Sa'd then said: Get up and perform your ablution. I rose, performed my ablution and returned.

(88) Nāfi' reported that 'Abd Allah b. 'Umar used to say that if anyone amongst you should touch his organ, ablution becomes obligatory for him.

(89) 'Urwah b. Zubair reported: Ablution becomes obligatory for him who touches his sexual organ.

(90) Sālim b. 'Abd Allah reported: I saw my father 'Abd Allah b. 'Umar performing ablution after having taken his bath. I asked: Father, does not a bath suffice for ablution? He replied: Yes, but sometimes I touch my organ and therefore perform ablution.

(91) Sālim b. 'Abd Allah reported: I was with 'Abd Allah b. 'Umar on a journey. I saw that he performed his ablution after sunrise and said his prayer. I said to him: You have said a prayer which you were not wont to say. He answered: After performing my ablution for the morning prayer I had touched my organ and forgot to renew the ablution and said my prayer. It was, therefore, that I performed my ablution anew and repeated my prayer.

Chapter 23

ABLUTION ON KISSING ONE'S WIFE

(92) Ibn 'Umar used to say that kissing one's wife and fondling her with hand is close touch, and whoever kisses his wife and presses her close to him invites ablution upon himself.

(93) Mālik learnt from 'Abd Allah b. Mas'ūd who used to say that ablution becomes obligatory for a man who kisses his wife.

(94) Ibn Shihāb used to say that a man's kissing his wife made ablution obligatory for him.

Chapter 24

PROCEDURE IN RESPECT OF BATH AFTER INTERCOURSE

(95) 'Ā'ishah, Mother of the Believers, reported that when the Apostle of Allah (may peace be upon him) took a bath after intercourse, he would begin with washing both his hands and then perform ablution as it is usually performed for prayer. He would, therefore, put his fingers into the water and comb the roots of his hair with them. He would then pour water thrice on his head and after that run water over the whole of his body.

(96) 'Ā'ishah, Mother of the Believers, reported that the Apostle of Allah (may peace be upon him) after intercourse used to take bath out of a vessel which contained three ṣā' (eight seers) of water.

(97) Nāfi' reported that when 'Abd Allah b. 'Umar started taking bath after intercourse, he would pour water first on his right hand and wash it, then wash his private parts, then gargle and put water into the nose, wash his face and shove water into the nose, wash his face and shove water into his eyes. Thereafter he would wash his right hand, then his left hand, then his head and then pour water on his entire body and finish the bath.[29]

(98) Mālik learnt that 'Ā'ishah, Mother of the Believers, was asked as to how a woman should take a bath after intercourse. She replied: Pour water thrice fully on the head with both hands and rub the head with them.[30]

Chapter 25

BATH BECOMES OBLIGATORY WITH PENETRATION EVEN IF THERE IS NO EMISSION

(99) Sa'īd b. al-Musayyab reported that 'Umar b. al-Khaṭṭāb, 'Uthmān b. 'Affān and 'Ā'ishah, wife of Allah's Messenger (may peace be upon him), all declared that when the fore part of the penis should penetrate the vagina, bath becomes obligatory.

29. Most of the *'Ulamā'* do not deem it necessary to shove water into the eyes.

30. This is to make certain that water reaches the roots of the hair and the skin. It is not necessary to untie the hair-knot (Zarqānī).

(100) Abī Salamah b. 'Abd al-Raḥmān b. 'Auf reported : I asked 'Ā'ishah, wife of the Apostle of Allah (may peace be upon him), as to what made bath obligatory. She replied: Thou knowest thy quality, O Abū Salamah ! Thou art like a chicken which, when it hears a cock crowing, also begins to crow. When the forepart of the male organ should penetrate the female organ, bath becomes obligatory.

(101) Sa'īd b. al-Musayyab reported : Abū Mūsā al-Ash'arī approached 'Ā'ishah, wife of the Apostle of Allah (may peace be upon him), and said to her: I am much pained to see difference amongst the Companions of the Messenger of Allah (may peace be upon him) in one particular, but I feel ashamed and diffident to express it to you. 'Ā'ishah replied : What is the problem ? If you could ask that of your mother, ask it of me. Abū Mūsā said : If a man should have intercourse with his wife and penetrate his organ but there is no emission, what is the law ? 'Ā'ishah replied : When the male forepart penetrates the female organ, bath becomes obligatory. Abū Mūsā al-Ash'arī said : I shall never refer this question to anybody else after this.

(102) 'Abd Allah b. Ka'b, freedman of 'Uthmān b. 'Affān, reported : Maḥmūd b. Labīd al-Anṣārī enquired of Zaid b. Thābit al-Anṣārī (the law) about a man having intercourse with his wife and penetrating her organ but there is no emission. Zaid said that a bath should be taken. Maḥmūd replied that Ubayy b. Ka'b did not consider a bath obligatory in such a case. Zaid said that Ubayy b. Ka'b renounced this statement prior to his death.

(103) Nāfi' reported : 'Abd Allah b. 'Umar used to say that when the male organ penetrates the female organ, bath becomes obligatory.

Chapter 26

EATING AND SLEEPING AFTER INTERCOURSE PRIOR TO TAKING BATH

(104) 'Abd Allah b. 'Umar reported that 'Umar b. al-Khaṭṭāb asked the Apostle of Allah (may peace be upon him) whether bath was essential the very night of the intercourse. The Apostle of Allah (may peace be upon him) said : Perform ablution, wash the organ and then sleep.

(105) 'Ā'ishah, wife of the Apostle of Allah (may peace be upon him), is reported to have said: If any of you has intercourse with his wife and desires to sleep before taking his bath, he should not sleep until he performs ablution in the same manner as for prayer.

(106) Nāfi' reported of 'Abd Allah b. 'Umar that whenever he intended to eat or sleep after intercourse, he would wash his face and both his arms up to elbows and wipe his head and then ate or slept.

Chapter 27

PRAYER AND THE BATH AFTER INTERCOURSE

(107) 'Aṭā' b. Yasār reported that on one occasion the Apostle of Allah (may peace be upon him) said *takbīr* for prayer, then made a sign with his hand to the congregation to keep to their places and went (to his apartment) and returned and there were signs of water on his body.[31]

(108) Zubaid b. Ṣalat reported : I went in company with 'Umar b. al-Khaṭṭāb up to Juruf.[32] 'Umar saw his clothes and found signs of nocturnal emission. He had already said his prayer without taking a bath. He swore in the name of Allah : I did not see that I have had nocturnal emission and did not know it and said my prayer without taking a bath. 'Umar then took a bath, and washed the spots on the clothes and sprinkled water on that which was not visible and said the *adhān* or *iqāmah* and performed his prayer wish ease, when the sun had risen high.

(109) Sulaimān b. Yasār reported that 'Umar b. al-Khaṭṭāb went one morning to his land which was in Juruf. And he saw signs of nocturnal emission on his clothes and said : I am having nocturnal emission too frequently ever since I became Khalifah. He then took a bath and washed the spots of emission on the clothes and said his prayer when the sun had risen.

(110) Sulaimān b. Yasār reported that 'Umar b. al-Khaṭṭab con-

31. According to Abū Dāwūd and Ibn Ḥabbān it was the time of morning prayer and Abū Hurairah narrated that the Apostle of Allah (may peace be upon him) returned after the bath and water was dripping from his head. Then he said the *takbīr*

32. A village three miles distant from Medina.

ducted the morning prayer and then went to his land situated in Juruf. He saw signs of nocturnal emission on his clothes and said : Since the time we have taken to eating fat, the nerves have become soft. He then took a bath and washed out the spots produced by the emission from the clothes and renewed his prayer.[33]

(111) Yaḥyā b. 'Abd al-Raḥmān b. Ḥāṭib reported that he performed *'Umrah* in the company of 'Umar b. al-Khaṭṭāb in the midst of many camel-riders amongst whom was also 'Amr b. al-'Ās. 'Umar b. al-Khaṭṭāb camped for the night at a waterside. He had a nocturnal emission and the time of morning prayer was near and there was no water in the caravan. 'Umar mounted and rode until he came to water. He then washed his clothes until it was near daylight. 'Amr b. al-'Āṣ spoke to 'Umar and said: It is now daylight. We have clothes with us, leave off your clothes; these shall be washed later; wear one of ours. 'Umar b. al-Khaṭṭāb then replied : It is strange, O 'Amr b. al-'Ās; if you have clothes, do you think all men also have clothes? By Lord, if I should act so, this will become the custom. I wash wherever there appears impurity and sprinkle water where there appears none.

Chapter 28

BATH IS NECESSARY FOR A WOMAN HAVING NOCTURNAL EMISSION LIKE A MAN

(112) 'Urwah b. al-Zubair reported that Umm Sulaim asked the Apostle of Allah (may peace be upon him) : If a woman sees in sleep what a man sees, should she take a bath ? The Apostle of Allah (may peace be upon him) replied : Yes, she should take a bath. 'Ā'ishah then spoke to her: Silly ! Does a woman also have emission ? The Apostle of Allah (may peace be upon him) spoke out : May thy right hand be dust-laden,[34] wherefrom then does the similarity of features come.[35]

(113) Umm Salamah, wife of the Messenger of Allah (may peace

33. He did not order renewal of prayer in respect of those whom he had led in prayer.

34. The expression "may thy right hand be dust-laden" is a statement of wonder and warning, not a curse.

35. Some children resemble their fathers and some their mothers. It is, therefore, evident that women also have spermatozoa and with its presence women are likely to have nocturnal emissions like males.

be upon him), reported that Umm Sulaim, wife of Abū Ṭalḥah al-Anṣārī, came to the Apostle of Allah (may peace be upon him) and said: Apostle of Allah, the Lord does not feel shy of Truth. Is it obligatory on a woman also to take bath when she has a nocturnal emission? He replied: Yes, if liquid is observed.

Chapter 29

MISCELLANEOUS PROBLEMS OF BATH AFTER IMPURITY

(114) Nāfi‘ reported that ‘Abd Allah b. ‘Umar used to say: There is no harm if a man takes a bath from water left over by a woman, if that woman is not in a state of menstruation or impurity.

(115) Nāfi‘ reported that ‘Abd Allah b. ‘Umar used to perspire in this cloth while he would be in impurity, and later he would pray in the same cloth.

(116) Nāfi‘ reported that the handmaids of Ibn ‘Umar used to wash his feet and hand him the prayer mat while in menstrual condition.

Chapter 30

TAYAMMUM

(117) ‘Ā’ishah, Mother of the Believers, reported: We went on a journey with the Apostle of Allah (may peace be upon him). When we arrived at Baiḍā’ or Dhāt al-Jaish[36] my necklace broke and fell. The Apostle of Allah (may peace be upon him) stopped to make a search for it. Others also stopped with him. There was no water there, neither was there any water with the men. The people then went to Abū Bakr and said: Dost thou not see what ‘Ā’ishah has done? She has stopped the Apostle of Allah (may peace be upon him) and the people with him. There is neither water hereabout nor is there any with us. Abū Bakr then came to me and the Apostle of Allah (may peace be upon him) was sleeping with his head on my thigh. Abū Bakr said: Thou hast stopped the Apostle of Allah (may peace be upon him) and the

36. Baiḍā' and Dhāt al-Jaish are names of places. *Tayammum* should be renewed for each prayer and at the time of each prayer a search should be made for water.

people at a place where there is neither water here nor is there any with them. He reproved me and said whatever Allah willed and poked me with his hand on the small of the back. I did not dare to move, for the head of the Apostle of Allah (may peace be upon him) was on my thigh. The Apostle of Allah (may peace be upon him) slept until it was daylight. There was no water. Then Allah sent down the verse [iv. 43 ; v. 6] in respect of *tayammum* and they performed it. The same day Usaid b. al-Ḥuḍair said : O family of Abū Bakr, this is not the first of your blessings. Through you we have always been bestowed with blessings such as these to ease the Musalmans. When we started, the necklace was found under the camel on which we were riding.

Chapter 31

THE MODE OF *TAYAMMUM*

(118) Nāfi' reported : When I and 'Abd Allah b. 'Umar were returning from Juruf, we reached Mirbad.[37] 'Abd Allah dismounted and betook himself to clean earth and did wiping (*tayammum*) with it over his face and his arms up to elbows and then said the prayer.

(119) Nāfi' reported that 'Abd Allah b. 'Umar used to perform *tayammum* up to the two elbows.[38]

Chapter 32

TAYAMMUM AFTER INTERCOURSE

(120) 'Abd ar-Raḥmān b. Harmalah reported : Once a man asked Sa'īd b. al-Musayyab as to the procedure when a man of impurity performed *tayammum* and thereafter found water. Sa'īd declared that when water is found, bath will become necessary for the future.

37. Juruf is three miles and Mirbad one mile distant from Medina.

38. Yaḥyā stated that Imām Mālik was asked about the procedure of *tayammum*. He replied that both the hands should be struck once on the earth and passed over the face, thereafter the hands should be struck again on the earth and passed over the two forearms up to elbows.

Chapter 33

WHEN A WOMAN IS HAVING MENSTRUAL DISCHARGE

(121) Zaid b. Aslam reported: A man asked the Apostle of Allah (may peace be upon him) whether it was right for him to approach his wife when she was menstruating. The Apostle of Allah (may peace be upon him) said: Tie over her drawers or skirts and then you may press over those.[39]

(122) Rabī'ah b. Abī 'Abd al-Raḥmān reported: 'Ā'ishah, wife of the Prophet (may peace be upon him), was lying with the Apostle of Allah (may peace be upon him), covered with the same cloth, when she jumped out and broke apart. The Apostle of Allah (may peace be upon him) said: Perhaps your menses have started. She answered: Yes. He said: Put on a skirt and come and lie down there again.

(123) Nāfi' reported: 'Ubaid Allah b. 'Abd Allah b. 'Umar sent a person to 'Ā'ishah, wife of the Prophet (may peace be upon him), to enquire whether a man can have intercourse with a woman in the course of her menstruation. She answered that he should tie a skirt on the lower part of the body and, if desired, have intercourse with that.

(124) Mālik learnt that Sālim b. 'Abd Allah b. 'Umar and Sulaimān b. Yasār were asked by a woman in menses whether her husband could have intercourse with her after the menses and before the bath. Both of them answered: Nay, not until the bath.

Chapter 34

WHEN DOES A MENSTRUATING WOMAN BECOME PURE

(125) Umm 'Alqamah, the freed slave-girl of 'Ā'ishah, Mother of the Believers, reported that women would stuff cotton in little boxes and send them to 'Ā'ishah asking whether they could say their prayer. The cotton would be yellowish with the colour of the blood of menstruation. 'Ā'ishah would reply: Do not hasten (in matter

39. In such a condition a man cannot enjoy his wife from her navel up to her knees.

of prayer) unless you find white water or you get purified from the menses.

(126) The daughter of Zaid b. Thābit reported that she obtained reports that women were wont to send for lamps in the middle of the night to see whether they were free of menses or not. She considered this bad and said that the women (of their time) did not do like that.

Chapter 35

MISCELLANEOUS MATTERS RELATING TO MENSTRUATION

(127) Mālik learnt that 'Ā'ishah, wife of the Prophet (may peace be upon him), said : If a pregnant woman should observe blood[40] she should abandon prayer.

(128) Mālik asked Ibn Shihāb regarding the case of the pregnant woman who should notice blood, and he replied that she should abstain from prayer.[41]

(129) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported : I used to comb the hair of the head of Allah's Messenger (may peace be upon him) while menstruating.

(130) Asmā', daughter of Abū Bakr, reported : A woman asked Allah's Messenger (may peace be upom him) as to what should be done if the blood of menstruation should stain the clothes. He replied: Rub it out and then wash it off with water and say prayers with it.

Chapter 36

A WOMAN SECRETING BLOOD EVEN AFTER THE PERIOD OF MENSTRUATION

(131) 'Ā'ishah, wife of the Prophet of Allah (may peace be upon him), reported Fāṭimah daughter of Abī Ḥubaish having said : Apostle of Allah, I do not clean : shall I abandon prayers? The Messenger of Allah (may peace be upon him) said that the blood was of some nerve and was not menses. And when the days came

40. Sometimes a pregnant woman also menstruates.

41. Yaḥyā states that Imām Mālik said that he held the same opinion.

when, before this ailment, she used to menstruate, she should abandon prayer, and when the period ended, she should wash off the blood and say her prayers.

(132) Umm Salamah, wife of the Prophet (may peace be upon him), asked his verdict about a woman who suffered from continued flow of blood in the time of the Apostle of Allah (may peace be upon him). He said that the days and nights should be counted when she used to menstruate prior to her ailment, and that during that period prayers should be abandoned every month. When the said period should be over, she should take a bath, tie a cloth over her private part and say her prayers.

(133) Zainab, daughter of Abū Salamah, found that Zainab daughter of Jaḥsh who was wedded to 'Abd al-Raḥmān b. 'Auf, was in a state of continued menstruation and that she used to take bath and say her prayers.[42]

(134) Sumayy, the freedman of Abū Bakr, was sent by Qa'qa' b. Ḥakīm and Zaid b. Aslam to Sa'īd b. al-Musayyab to enquire how a woman should take bath after menstruation. Sa'īd said that she should take a bath from one cleanliness to another, that she should perform ablution for every prayer and that if the flow of blood should be excessive she should tie a cloth over her private part from one cleanliness to another.[43]

(135) 'Urwah b. Zubayr reported: A woman having a continued flow of blood should take a bath once and thereafter for every prayer she should perform ablution.[44]

42. There is a mistake of names here in respect of the daughter of Jaḥsh. 'Abd al-Raḥmān never married Zainab b. Jaḥsh. She was married to Zaid b. Ḥārithah and subsequently she was married to the Holy Prophet (may peace be upon him). It was Umm Ḥabībah, a sister of Zainab, who was married to 'Abd al-Raḥmān.

43. The idea is that when the fixed period of menses passes, she should take a bath and that when again the period of menstruation comes and goes, she should take a bath again.

44. Imām Mālik prefers the version of 'Urwah which he reported from 'Ā'ishah who heard it from the Apostle of Allah (may peace be upon him). Yaḥyā reported from Imām Mālik: When a woman having continued flow of blood begins to say her prayers, it is permissible for her husband to have intercourse with her. Similarly, after the menstruation is over, a *nafsā'* still sees blood coming, her husband can cohabit with her.

A *nafsā'* is a woman who finds blood coming out after child-birth.

Chapter 37

THE URINE OF A CHILD

(136) 'Ā'ishah reported : A male child was brought to the Apostle of Allah (may peace be upon him) and he made water on his clothes. The Apostle of Allah (may peace be upon him) sent for water and poured it on the spot.

(137) Umm Qais, daughter of Miḥṣan, reported that she brought her baby son, who had not yet begun to take food, to the Apostle of Allah (may peace be upon him) who took him in his lap. The child made water on his clothes. The Messenger of Allah (may peace be upon him) sent for water and sprinkled it on the place and did not wash the cloth.[45]

Chapter 38

CONCERNING THE ACT OF URINATION WHILE STANDING

(138) Yaḥyā b. Sa'īd reported : A bedouin came into the mosque and opened his clothes to urinate. The people raised a hue and cry. The Apostle of Allah (may peace be upon him) asked them to let him alone and they let him alone. When he finished, Allah's Apostle (may peace be upon him) ordered a potful of water to be poured on the spot.[46]

(139) 'Abd Allah b. Dīnār reported that he saw 'Abd Allah b. 'Umar urinating while standing.

Chapter 39

BRUSHING THE TEETH

(140) 'Ubayd b. al-Sabbāq reported : On a Friday the Apostle of

45. This applies only to a male child who is milk-fed and not to one who has begun to eat food ; it does not apply to the urine of a female baby. In her case the impurity is to be cleaned by washing.

46. A bedouin was an uncultured rustic person who had to be treated with consideration and the Holy Prophet (may peace be upon him) instructed with kindness.

Allah (may peace be upon him) said: O Muslims, this is the day which Allah has appointed as the day of ʻĪd. Bathe, therefore, and he who has scent should apply it—it will not do harm, and make it a point to brush your teeth.

(141) Abū Hurairah reported the Apostle of Allah (may peace be upon him) having said: Had it not been hard for my *ummah*, I would have made brushing of teeth compulsory.

(142) Abū Hurairah said that if it had not been a hardship upon the *ummah*, the brushing of teeth would have been made obligatory with every ablution.

Chapter 40

ADHĀN OR THE CALL FOR PRAYER

(143) Yaḥyā b. Saʻīd reported: The Apostle of Allah (may peace be upon him) intended to have two sticks prepared so that by striking them together noise would be produced and reach the people and they should gather for prayer. ʻAbd Allah b. Zaid Anṣārī saw two sticks in a dream and thought that they were just what was desired by Allah's Apostle (may peace be upon him). He was then asked in the dream as to why he did not pronounce *adhān* or the call for prayer. When he awoke, he came to the Apostle of Allah (may peace be upon him) and narrated his dream. The Apostle of Allah (may peace be upon him) ordered the *adhān*.[47]

(144) Abū Saʻīd Khudrī reported the Apostle of Allah (may peace be upon him) having said: When you hear the call for prayer repeat what the *mu'adhdhin* says.

(145) Abū Hurairah reported the Apostle of Allah (may peace be upon him) having said: If people knew of the virtues of *adhān* and the "First Row" (in prayer), they would have sought to cast lots, and if they knew the virtue of reciting prayer at an early hour, they would hasten towards it, and if they knew the virtue of saying ʻishā' and morning prayers in congregation, they would go there dragging

47. Imām Muslim reports from ʻUmar b. al-Khaṭṭāb and Bukhārī reports from Muʻāwiyah that when the *mu'adhdhin* calls to prayer, the hearers should respond.

themselves by the knees.

(146) Abū Hurairah reported the Apostle of Allah (may peace be upon him) having said : When the *takbīr* of prayer is said, do not come running, but come with ease, join in whatever prayer becomes available, and what does not, complete it by yourself, for he who makes an intention for prayer is in a state of prayer.

(147) Abū Sa'īd al-Khudrī told 'Abd Allah b. 'Abd al-Raḥmān b. Abī Sa'sa'ah al-Anṣārī : You hold the sheep and the woods dear and hence when you are with the sheep in the woods, say the *adhān* loudly, because the voice does not reach every jinn and man and inanimate object but he attests to it on the Day of Resurrection. Abū Sa'īd said that he heard this from the Apostle of Allah (may peace be upon him).

(148) Abū Hurairah reported the Messenger of Allah (may peace be upon him) having said : When the *adhān* is pronounced for prayer, Satan turns his back and runs short-winded, so that he may not have to listen to it, and when it is over, he comes back. When *takbīr* for the prayer is said, he turns his back and flees away and, after it is over, he turns back to tempt the heart of the worshipper and says : Think of this and of that, of things that he had not previously thought. The result is that the worshipper loses himself and does not remember how many *rak'ahs* he had prayed.

(149) Sahl b. Sa'īd as-Sā'idī reported : There are two occasions when the gates of the heaven are opened out and there is scarcely a man who supplicates but whose prayer is not granted—first, when the *adhān* is said for prayer and, secondly, when the ranks are arrayed for *jihād*.

(150) Mālik b. Abī 'Āmir al-Aṣbaḥī (grandfather of Imām Mālik) has said : I do not see anything left in that same state as in the time of the Companions (of the Holy Prophet) except *adhān*.

(151) Nāfi' reported that 'Abd Allah b. 'Umar heard the *takbīr* when he was at Baqī' and he walked quickly towards the mosque.

Chapter 41

ADHĀN DURING TRAVEL AND WITHOUT ABLUTION

(152) Nāfi‘ reported: ‘Abd Allah b. ‘Umar called out the *adhān* for prayer during a night of fierce wind and intense cold and said to the people: Say your prayers in houses. He then said: On a cold night when it would also be raining, the Messenger of Allah (may peace be upon him) would ask the *mu'adhdhin* to announce to the people to say their prayers at their homes.[48]

(153) Nāfi‘ reported: ‘Abd Allah b. ‘Umar used to say *takbīr* only on a journey but at the time of morning prayer he would call out *adhān* also. He also used to say that *adhān* is for the Imām who gathers people round him.[49]

(154) Hishām b. ‘Urwah reported from his father that he said: When you are on a journey, you may either pronounce both the *adhān* and the *iqāmah*, or merely *iqāmah*, not *adhān*.

(155) Sa‘īd b. al-Musayyab said: When a man says his prayer in an open field, an angel joins him in prayer on his right and another on his left and if he said the *adhān* and then said *takbīr* before prayer, many angels congregate behind him like hill ranges.

Chapter 42

ADHĀN AT MORNING DURING RAMAḌĀN

(156) ‘Abd Allah b. ‘Umar reported that the Apostle of Allah (may peace be upon him) said: Bilāl pronounces the *adhān* when it is still night, therefore eat and drink until (‘Abd Allah) the son of Umm Maktūm pronounces the *adhān*.

(157) Sālim b. ‘Abd Allah reported that the Apostle of Allah (may peace be upon him) said: Bilāl pronounces the *adhān* when it is still night, hence eat and drink until the son of Umm Maktūm pronounces the *adhān*. (Ibn Shihāb or Sālim) said: The son of Umm Maktūm was blind and did not call out the *adhān* until it was said to

48. When the night is cold or rain is falling, or strong wind is blowing, people were exempted from praying in congregation.

49. This is the view of Imām Mālik; the other three Imāms hold a different view.

him : It is morning, it is morning

Chapter 43

THE BEGINNING OF THE PRAYER

(158) 'Abd Allah b. 'Umar reported : When the Apostle of Allah (may peace be upon him) began prayer, he used to raise his hands up to his shoulders, and when he lifted his head for *rukū'*, he raised them (the hands) in like manner and said : *Sami' Allāhu liman ḥamidah Rabbanā wa lak al-ḥamd.* He did not raise his hands between prostrations.

(159) (Imām Zain al-'Ābidīn whose name is) 'Alī b. Husain b. 'Alī b. Abī Ṭālib reported : The Apostle of Allah (may peace be upon him) used to say *takbīr* in prayer when he bent (in prostration) and when he rose, and such was his mode of prayer until he met the Lord.

(160) Salaimān b. Yasār reported that the Apostle of Allah (may peace be upon him) used to raise his hands in prayer.

(161) Abū Salamah b. 'Abd al-Raḥmān b. 'Auf reported : Abū Hurairah used to lead them in prayer ; he used to say *takbīr* when bending down (for prostration) and when rising up. When he finished (his prayer) he said : By Lord, in prayer I copy the Apostle of Allah (may peace be upon him) more closely than you all do.

(162) Sālim b. 'Abd Allah reported : 'Abd Allah b. 'Umar used to say *takbīr* while bending (in prostration) and while rising.

(163) Nāfi' reported : When 'Abd Allah b. 'Umar began his prayer he raised both his hands up to his shoulders and when he lifted up his head from *rukū'* he raised up his hands a little lower than that.

(164) Abū Nu'aim Wahb b. Kaisān reported : When Jābir b. 'Abd Allah used to teach us *takbīr* in prayer, he used to order us to say *takbīr* when bending and when rising.

(165) Ibn Shihāb used to say : When a man obtained one *rukū'* and said one *takbīr*, that *takbīr* would suffice him from *takbīr taḥrīmah.*[50]

50. *Takbīr taḥrīmah* is an essential for prayer with many but when the *takbīr* of *rukū's* is said, some authorities say it is sufficient in case an Imām is conducting the prayer.

Chapter 44

RECITATION (*QIRAT*) IN MAGHRIB AND 'ISHĀ' PRAYERS

(166) Jubair b. Muṭ'im reported: I heard the Apostle of Allah (may peace be upon him) reciting Sūrah Ṭūr in the maghrib (sunset) prayer.

(167) Umm Faḍl, daughter of Ḥārith, heard 'Abd Allah b. 'Abbās reciting Sūrah Mursalāt and she said: O my dear son, you remind me by reciting this *sūrah* of the Apostle of Allah (may peace be upon him) who had last recited the same *sūrah* in the maghrib (sunset) prayer.

(168) Abū 'Abd Allah Ṣunābiḥī reported: I arrived in Medina during the caliphate of Abū Bakr and I said my maghrib (sunset) prayer behind him and he recited in each of the first two *rak'ahs* Sūrah Fātiḥah and a small *sūrah* from the *sūrah*s of *Mufaṣṣal* and when he rose up for the third *rak'ah* I approached him so close that my clothes were nearly touching his and I heard him reciting Sūrah Fātiḥah and the verse [iii. 6] :[51]

رَبَّنَا لَا تُزِغْ قُلُوبَنَا بَعْدَ إِذْ هَدَيْتَنَا وَهَبْ لَنَا مِن لَّدُنكَ رَحْمَةً ۚ إِنَّكَ أَنتَ الْوَهَّابُ

(169) Nāfi' reported: When 'Abd Allah b. 'Umar said his prayer alone, he recited in each of the four *rak'ahs* Sūrah Fātiḥah and another *sūrah*; sometimes two or three *sūrahs* in each *rak'ah*. In the *farḍ* prayer and in the maghrib (sunset) prayer, he recited in two *rak'ahs* Sūrah Fātiḥah and another *sūrah*.

(170) Barā' b. 'Āzib reported: I said the 'ishā' (night) prayer with the Apostle of Allah (may peace be upon him) and heard him recite Sūrah Tīn (in the first *rak'ah*) and Sūrah Qadr (in the second *rak'ah*).

51. There is great difference of opinion as to wherefrom the *Mufaṣṣal sūrahs* begin. Some say they begin from Sūrah Ṣaffāt, some from Jāthiyah, some from Fatḥ, some from Ḥujurāt, some from Qāf and some from Ṣaff, some from Tabārik, and some from A'lā, some from Wa'ḍ-Ḍuḥā. The Mālikiyah, Shāfi'iyah and Ḥanafiyah schools give preference to the Ḥujurāt.

A great majority of *'Ulamā'* hold the view that in the last *rak'ah*, Sūrah Fātiḥah should suffice. Some say that Abū Bakr must have repeated the above verse as a *qunūt*. Some think *qunūt* valid and permissible in every prayer.

Chapter 45

MODE OF READING THE HOLY QUR'ĀN

(171) 'Alī b. Abī Ṭālib reported: The Apostle of Allah (may peace be upon him) prohibited the wearing of silk clothes and gold rings and the recitation of the Holy Qur'ān in *rukū'*.[52]

(172) Farwah b. 'Amr reported: The Apostle of Allah (may peace be upon him) came upon the people who were saying their prayer and were reciting the Holy Qur'ān loudly. The Apostle of Allah (may peace be upon him) said that a worshipper whispers to his Creator and hence the need of whispering with understanding and the avoidance of shouting one upon another in reading the Holy Qur'ān.

(173) Anas b. Mālik said he had occasions to stand for prayer behind Abū Bakr, 'Umar and 'Uthmān, and when they began prayer, not one of them recited *Bismillāh-ir-Raḥmān-ir-Raḥīm* (aloud).

(174) Mālik b. Abī 'Āmir reported : We used to hear the recitation of the Qur'ān by 'Umar b. al-Khaṭṭāb. He used to be near Dār Abī Jahm and we at Balāt.[53]

(175) Nāfi' reported : When 'Abd Allah b. 'Umar omitted a part of the prayer in which the Imām recited aloud, he would, after the salutation, rise up and complete his prayer aloud.

(176) Yazīd b. Rūmān reported : I used to say my prayer on one side of Nāfi' b. Jubair b. Muṭ'im. Sometimes he would make a sign and I used to correct what he had forgotten, while both of us would be in prayer.

Chapter 46

RECITATION IN THE FAJR OR MORNING PRAYER

(177) 'Urwah b. Zubair reported that Abū Bakr led the morning prayer and in it he recited Sūrah Baqarah in the two *rak'ahs*.

(178) 'Urwah b. Zubair heard it from 'Abd Allah b. 'Āmir b.

52. This prohibition of silk clothes and golden rings is for men and not for women.

53. Balāṭ is a place in Medina between the mosque and the market place. 'Umar's recitation was loud enough so that the people of Balāṭ could hear him.

Rabī'ah who said : We said our morning prayer with 'Umar b. al-Khaṭṭāb and he recited Sūrahs Yūsuf and Ḥajj at ease. 'Urwah said : By Lord, you must have stood for prayer at the dawn (very early morning) when it was still dark, and 'Abd Allah said : Yes.

(179) Qāsim b. Muḥammad reported : Farāfiṣah b. 'Umair Ḥanafī said : I memorised Sūrah Yūsuf by listening to the recitation of 'Uthmān b. 'Affān who used frequently to recite that *sūrah* in the morning prayer.[54]

(180) Nāfi' reported : When on a journey, 'Abd Allah b. 'Umar would recite in every *rak'ah* of the morning prayer Sūrah Fātiḥah and one *sūrah* from amongst the first ten *sūrahs* of the *Muffaṣṣal.*

Chapter 47

THE SUPREME VIRTUE OF SŪRAH FĀTIḤAH

(181) Abū Sa'īd, freedman of 'Āmir b. Kuraiz, reported : The Apostle of Allah (may peace be upon him) called Ubayy b. Ka'b and he was in prayer. When the prayer was finished, he came to the Apostle of Allah (may peace be upon him) who put his hand over his. Ubayy wanted to leave by the door of the mosque and he (the Apostle) said : I desire that you should not leave until you learn a *sūrah*, the like of which is not to be met either in the Torah or the Bible or the Qur'ān. Ubayy said : I began walking haltingly in the hope (of learning the *sūrah*). Then I said : Apostle of Allah, teach me the *sūrah* you promised. He (the Apostle) asked me : What do you recite when you start saying your prayer ? I began reciting Sūrah Fātiḥah up to its end. He (the Apostle) said : It is this same *sūrah.* It is the *Sab' al-Mathānī*[55] and the *Qur'ān 'Aẓīm* that has been given to me.

(182) Abī Nu'aim Wahb b. Kaisān reported that he heard from

54. This was when the congregation desired a long *sūrah*. The Apostle of Allah (may peace be upon him) once warned Mu'ādh against reciting long *sūrahs* that might create dissension. The Apostle of Allah (may peace be upon him) asked him why he did not recite Iqrā' or Shams or Duḥā.

55. *Sab' al-Mathāni* is the name of Sūrah Fātiḥah because it has seven verses, including *Bismillāh-ir-Raḥmān-ir-Raḥim*. It is called *mathāni* also because it was revealed twice, first in Mecca and then in Medina.

Jābir b. 'Abd Allah that he used to say that if a man performed one *rak'ah* and did not recite Sūrah Fātiḥah in it, he did not say his prayer except when behind the Imām.

Chapter 48

THE RECITATION OF SŪRAH FĀTIḤAH

(183) Abū Sā'ib, freedman of Hishām b. Zuhrah, said that he heard Abū Hurairah saying that he heard from the Apostle of Allah (may peace be upon him) that whoever said his prayer and did not recite Sūrah Fātiḥah in it, his prayer was faulty, faulty, faulty—never at all complete. Abū Sā'ib said: O Abū Hurairah, sometimes I am behind the Imām. Abū Hurairah pressed my arm and said: Recite in thy heart, O dweller of Persia, for I have heard from the Apostle of Allah (may peace be upon him) who used to say: Allah commanded: The prayer has been divided between Me and My servant, half to half, half Mine and half his, and whatever My servant asks for, I shall give him. The Apostle of Allah (may peace be upon him) said: Recite. The servant says : All Praise be to Allah, the Lord of all the worlds. The Lord says: My servant praised Me. The servant says: Most Compassionate, Most Merciful. Allah says: My servant has described My virtues. The servant says: Lord of the Day of Judgment. Allah says: My servant has exalted me. The servant says: Thee alone we worship and of Thee do we ask aid. Allah says: This is a bond between Me and My servant. The servant says: Show us the straight path—the path of those whom Thou rewardest, and not of those.... (Allah says:) These verses relate to the servant and whatever My servant asks I shall give him.

(184) 'Urwah b. Zubair used to recite Sūrah Fātiḥah behind the Imām in the silent prayers.

(185) Yaḥyā b. Sa'īd and Rabī'ah b. Abū 'Abd al-Raḥmān reported that Qāsim b. Muḥammad used to recite Sūrah Fātiḥah behind the Imām in the silent prayers.

(186) Yazīd b. Rūmān reported that Nāfi' b. Jubair b. Muṭ'im used to recite Sūrah Fātiḥah behind the Imām in the silent prayers.

Chapter 49

THE AVOIDANCE OF THE RECITATION OF SURAH FĀTIḤAH BEHIND THE *IMĀM* IN THE LOUDLY RECITED PRAYER

(187) Nāfi' reported: When anyone asked 'Abd Allah b. 'Umar whether Sūrah Fātiḥah should be recited behind the Imām, he would reply: If any of you prays behind an Imām the recitation of the Imām is sufficient for him, and if you say your prayer alone, you may recite it. Nāfi' added that 'Abd Allah b. 'Umar did not recite it when praying behind the Imām.

(188) Abū Hurairah reported: Once the Apostle of Allah (may peace be upon him), after finishing the loudly recited prayer, asked: Did any of you recite the word of God with me? A man said: Yes, I did, Apostle of Allah. The Apostle of Allah (may peace be upon him) said: That is why I was saying to myself: How is it that the words of Allah are being snatched away from me. Since hearing this from the Apostle of Allah (may peace be upon him) the people stopped their own recitation when saying prayer behind the Apostle of Allah (may peace be upon him) in the loudly recited prayer.

Chapter 50

THE RESPONSE OF *ĀMĪN* BEHIND THE *IMAM*

(189) Abū Hurairah reported the Apostle of Allah (may peace be upon him) having said: When the Imām says *Āmīn*, you say *Āmīn* too, for whoever says *Āmīn* with the angels will have his previous sins pardoned. Ibn Shihāb said that the Apostle of Allah (may peace be upon him) used to say *Āmīn*.

(190) Abū Hurairah reported the Apostle of Allah (may peace be upon him) having said: When the Imām recites *ghair al-maghḍūb 'alaihim walaḍḍāllīn*, you say *āmīn* for whosoever says *āmīn* with the angels, his previous sins would be pardoned.

(191) Abū Hurairah reported the Apostle of Allah (may peace be upon him) having said: When any of you says *Āmīn*, the angels in

Heaven also respond with *Āmīn* and when one *Āmīn* harmonises with another, his previous sins are pardoned.

(192) Abū Hurairah reported the Apostle of Allah (may peace be upon him) having said: When the Imām says *Samī' Allāhu liman ḥamidah*, you should respond with *Rabbanāwa lak al-ḥamd*, for whoever recites in harmony with the angels, his previous sins would be pardoned.

Chapter 51

ACT OF SITTING IN PRAYER

(193) 'Alī b. 'Abd al-Raḥmān Mu'āwī says: 'Abd Allah b. 'Umar saw me playing with small pebbles during the prayer. Whan I finished, he prohibited me (from doing so) and asked me to do as the Apostle of Allah (may peace be upon him) used to do. I asked: How did the Apostle of Allah (may peace be upon him) do? He said: When he (the Apostle) sat in prayer, he kept his right palm on his right thigh putting his fingers close to one another and made a sign with his forefinger and kept his left palm on his left thigh ; and said that this was now he (the Apostle) used to do.

(194) 'Abd Allah b. Dīnār reported: A man sat in prayer beside 'Abd Allah b. 'Umar. When the man sat after the four *rak'ahs*, he did so with folded feet. When 'Abd Allah b. 'Umar finished (his prayer), he found fault with him. The man said : You too sit so. 'Abd Allah b. 'Umar replied: (I do so) because I am unwell.

(195) Mughīrah b. Ḥakīm reported: I saw 'Abd Allah b. 'Umar sitting between two prostrations, on the toes of both feet and then prostrated. When he finished, the matter was spoken about. 'Abd Allah said that sitting so in prayer was not *Sunnah*, but that he sat on account of illness.

(196) 'Ubaid Allah b. 'Abd Allah b. 'Umar reported : I used to see 'Abd Allah b. 'Umar in prayer sitting on folded feet and I too copied him ; and I was too young in those days. 'Abd Allah prohibited me from sitting so and explained that the *Sunnah* was to keep the right foot erect and the left foot lying. I told him that he sat with folded feet. 'Abd Allah answered: My feet cannot bear my burden.

(197) Yaḥyā b. Sa'īd reported: Qāsim b. Muḥammad taught people how to sit in *tashahhud* while praying. He made them keep their right foot standing and the left foot lying, to sit on the left side and not on the right foot. He then related that that was taught to him by 'Ubaid Allah b. 'Abd Allah b. 'Umar who said that his father 'Abd Allah b. 'Umar used to sit so.

Chapter 52

TASHAHHUD IN PRAYER

(198) 'Abd al-Rahmān b. 'Abd al-Qārī said he heard 'Umar b. Khaṭṭāb when he was on the pulpit instructing the people about *tashahhud* and used to ask them to say:

اَلتَّحِيَّاتُ لِلّٰهِ الزَّاكِيَاتُ لِلّٰهِ الطَّيِّبَاتُ الصَّلَوَاتُ لِلّٰهِ اَلسَّلَامُ عَلَيْكَ اَيُّهَا النَّبِيُّ وَرَحْمَةُ اللّٰهِ وَبَرَكَاتُهٗ
اَلسَّلَامُ عَلَيْنَا وَعَلٰى عِبَادِ اللّٰهِ الصّٰلِحِيْنَ اَشْهَدُ اَنْ لَّا اِلٰهَ اِلَّا اللّٰهُ وَاَشْهَدُ اَنَّ مُحَمَّدًا عَبْدُهٗ وَرَسُوْلُهٗ

(199) Nāfi' reported: 'Abd Allah b. 'Umar used to recite *tashahhud* after the first two *raka'hs* in the following manner:

بِسْمِ اللّٰهِ التَّحِيَّاتُ لِلّٰهِ الصَّلَوَاتُ لِلّٰهِ الزَّاكِيَاتُ لِلّٰهِ السَّلَامُ عَلَى النَّبِيِّ وَرَحْمَةُ اللّٰهِ وَبَرَكَاتُهٗ
اَلسَّلَامُ عَلَيْنَا وَعَلٰى عِبَادِ اللّٰهِ الصّٰلِحِيْنَ شَهِدْتُ اَنْ لَّا اِلٰهَ اِلَّا اللّٰهُ شَهِدْتُ اَنَّ مُحَمَّدًا رَّسُوْلُ اللّٰهِ

and used to supplicate after the *tashahhud* to Allah for anything he liked and in the last sitting he used to recite *tashahhud* and pray and as he did before and at the time of salutation used to say:

اَلسَّلَامُ عَلَى النَّبِيِّ وَرَحْمَةُ اللّٰهِ وَبَرَكَاتُهٗ اَلسَّلَامُ عَلَيْنَا وَعَلٰى عِبَادِ اللّٰهِ الصّٰلِحِيْنَ اَلسَّلَامُ عَلَيْكُمْ

turning on the right side, then responded to the salutation of the Imām, and when anyone on the left greeted him, he returned his greeting too.[56]

(200) 'Ā'ishah, wife of the Apostle of Allah (may peace be upon him), used to say in *tashahhud*:[57]

56. This tells us that it is right to supplicate after the *tashahhud* and of three salutations: first to the right, the second to the Imām and the third to the left. The prayer and request to Allah may be for anything one desires. When there is none on the left two salutations are sufficient.

57. Imām Mālik adopted the *tashahhud* of Haḍrat 'Umar described in the foregoing pages. Imām Shāfi'ī adopted *tashahhud* of 'Abd Allah b. 'Abbās which is also supported by Imām Muslim. Imām A'ẓam and Imām Aḥmad and the *Ahl-i-Ḥadith* and many other *'Ulamā'* adopted *tashahhud* of 'Abd Allah b. Mas'ūd.

التَّحِيَّاتُ الطَّيِّبَاتُ الصَّلَوَاتُ الزَّاكِيَاتُ لِلّٰهِ أَشْهَدُ أَنْ لَّآ إِلٰهَ إِلَّا اللّٰهُ وَحْدَهُ لَا شَرِيكَ لَهُ وَأَشْهَدُ أَنَّ
مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ اَلسَّلَامُ عَلَيْكَ أَيُّهَا النَّبِيُّ وَرَحْمَةُ اللّٰهِ وَبَرَكَاتُهُ اَلسَّلَامُ عَلَيْنَا وَعَلٰى عِبَادِ اللّٰهِ
الصّٰلِحِينَ اَلسَّلَامُ عَلَيْكُمْ ۔

(201) Imām Malik enquired of Ibn Shihāb and Nāfi', freedman of Ibn 'Umar, about a man who joined prayer behind the Imām when one *rak'ah* had been finished, as to whether he should recite *tashahhud* behind the Imām in the first sitting or in the last sitting, for he had performed but one *rak'ah* in the first sitting and three *rak'ahs* in the second. Both of them replied that he should recite *tashahhud* with the Imām. Mālik expressed this view as quite correct.

Chapter 53

RAISING OR LOWERING ONE'S HEAD IN *RUKU'* OR *SAJDAH* PRIOR TO THE *IMĀM*

(202) Abū Hurairah said: He who raises or lowers his head prior to the Imām puts his forehead in the hand of satan.

Chapter 54

SAYING *SALĀM* AFTER TWO *RAK'AHS* BY FORGETFULNESS

(203) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) finished (the prayer) after performing only two *rak'ahs*. Dhu'l-Yadain[58] asked him : Apostle of Allah, has the prayer been curtailed or have you forgotten ? The Apostle of Allah (may peace be upon him) asked others whether Dhu'l-Yadain was speaking the truth, and the people said : Yes. The Apostle of Allah (may peace be upon him) stood up and repeated the latter two *rak'ahs*, and, having turned in salutation, said the *takbīr* and offered a *sajdah* like the usual *sajdahs* or a little longer. He then raised his head, said the *takbīr* and did another *sajdah*[59] like the usual *sajdahs* or a little longer and

58. A Companion of the Holy Prophet (may peace be upon him). His real name was Khirbāq b. 'Amr Salamā. He was called Dhu'l-Yadain either because he had long hands, or he worked with both his hands, or he was very generous.

59. This is *sajdah sahw*.

then rose.

(204) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) offered the aṣr prayer, but turned in *salām* after performing only two *rak'ahs*. Then Dhu'l-Yadain stood up and asked : Has the prayer been curtailed or have you forgotten, Apostle of Allah ? The Apostle of Allah (may peace be upon him) said : Nothing has happened. Dhu'l-Yadain said : Nay, something has happened. The Apostle of Allah (may peace be upon him) turned to the people and asked : Did Dhu'l-Yadain speak the truth ? They said: Yes. The Apostle of Allah (may peace be upon him) then stood up and finished the remaining prayer and then performed two prostrations and offered the salutation, and he was sitting.

(205) Abū Bakr b. Sulaimān b. Abī Ḥathmah reported : It reached me that the Apostle of Allah (may peace be upon him) said two *rak'ahs* of the ẓuhr or 'aṣr prayer and offered the salutation. Then spoke out Dhu'l-Shimālain[60] who belonged to Banū Zuhrah b. Kilāb : Apostle of Allah, has the prayer been curtailed or have you forgotten ? The Apostle of Allah (may peace be upon him) said : Neither has the prayer been curtailed nor have I forgotten. Dhu'l-Shimālain said : Something has happened, Apostle of Allah. The Apostle of Allah (may peace be upon him) then addressed the people and asked : Did Dhu'l-Yadain speak the truth ? The people said : Yes. The Apostle of Allah (may peace be upon him) then completed the remaining prayer and offered the salutation.

(206) Sa'īd b. al-Musayyab and Abū Salamah b. 'Abd al-Raḥmān have also reported to the same effect.

Chapter 55

IF ANYONE IS DOUBTFUL ABOUT THE COMPLETION OF HIS PRAYER, HE MAY COMPLETE IT

(207) 'Aṭā' b. Yasār reported the Apostle of Allah (may peace

60. The name of Dhu'l-Shimālain was 'Umar b. 'Abd. He was martyred on the Day of Badr. Abū Hurairah became Muslim five years after the Battle of Badr. In view of this, the authorities say that it was a mistake of Ibn Shihāb that he called him "Dhu'l-Shimālain". In the latter part the name is "Dhu'l-Yadain" and there is no mention even of the *sajdah sahw*.

be upon him) having said : If any of you should have doubt in the course of prayer and does not remember whether he has said three *rak'ahs* or four, he should say one *rak'ah* more and perform two prostrations before the salutation. And if this *rak'ah* of his should, in fact, be the fifth, it will, in combination with these two prostrations become a pair, and if it be the fourth, it will be humiliation for satan.

(208) Sālim b. 'Abd Allah reported: 'Abd Allah b. 'Umar used to say: If any of you has doubt about his prayer, he should try and remember what he has forgotten and say it and perform two *sajdah sahw* sitting.

(209) 'Aṭā' b. Yasār reported: I asked 'Abd Allah b. 'Amr b. al-'Āṣ and Ka'b al-Aḥbār about a person who doubts in his prayer as to whether he had said three *rak'ahs* or four. Both of them reported that one more *rak'ah* should be said and two prostrations (of omission) performed while sitting.

(210) Nāfi' reported: 'Abd Allah b. 'Umar was asked about forgetting in prayer and he said: Try to remember whatever has been forgotten and then say it over.

Chapter 56

HE WHO STANDS UP AFTER COMPLETION OF PRAYER OR AFTER SAYING TWO *RAK'AHS*

(211) 'Abd Allah b. Buḥainah reported: The Apostle of Allah (may peace be upon him), who was leading the prayer after saying two *rah'ahs*, stood up and did not sit. The congregation also stood up with him. When he completed his prayer and we waited for his salutation, he said the *takbīr* and performed two prostrations sitting before the salutation and then offered the salutation.

(212) 'Abd Allah b. Buḥainah reported: The Apostle of Allah (may peace be upon him) led the ẓuhr prayer, then stood up after saying two *rak'ahs* and did not sit. When he finished his prayer, he performed two prostrations, and turned in salutation afterwards.

Chapter 57

LOOKING AT A THING IN PRAYER WHICH DIVERTS ATTENTION

(213) Murjānah reported that 'Ā'ishah, wife of the Prophet (may peace be upon him), said that Abū Jahm b. Ḥudhaifah sent a gift[61] to the Apostle of Allah (may peace be upon him) which had designs on it. The Apostle of Allah (may peace be upon him) came to prayer wrapped in it and when he had completed (the prayer), he said: Return this sheet to Abū Jahm for I saw designs on it and was about to become forgetful of the prayer.

(214) 'Urwah b. Zubair reported: The Apostle of Allah (may peace be upon him) put on a sheet worked with flowers and then returned it to Abū Jahm and took a thick, plain and rough woollen sheet.[62] Abū Jahm asked the reason and the Apostle of Allah (may peace be upon him) said: I looked at its design during prayers.

(215) 'Abd Allah b. Abū Bakr reported: Abū Ṭalḥah Anṣārī was saying his prayers in his garden. A sparrow flew past and sought its way out (of the trees); the garden was so dense and the trees so conjested that the sparrow could not fly through. He (Abū Ṭalḥah) found the sight pleasing and felt happy with his garden. For a time he watched it and then as he turned back to prayer he felt that he had forgotten the number of *rak'ahs* he had already said. He said: God tested me with this property. He went to the Apostle of Allah (may peace be upon him) and narrated the event of the garden and that of the trial and said: Apostle of Allah, this garden is a *ṣadaqah* of the Lord. Do what you will with it.

(216) 'Abd Allah b. Abū Bakr reported: A man from the Anṣār was saying his prayer in his garden, situated in Quff, one of the valleys of Medina. It was the season of fruits and they were hanging luscious and ripe like necklaces over the boughs. His eyes fell on them and he was filled with the pleasant sight and then he turned back to prayer but forgot the number of *rak'ahs* he had already said. He then thought he has been tried by this temptation regarding hi

61. *Khamiṣah*—a thin woollen sheet.

62. *Anjāniyah*—a thick woollen sheet. Both *Khamiṣah* and *Anjāniyah* are a kind of blankets.

property and went to 'Uthmān b. 'Affān who was the Caliph at the time and related to him the whole story and said: The garden is a gift which you may spend on good works. 'Uthmān b. 'Affān sold the garden for 50,000 and the property from then on came to be called the "property of fifty thousand".

Chapter 58

REMEDY FOR FORGETFULNESS IN PRAYER

(217) Abū Hurairah reported the Apostle of Allah (may peace be upon him) having said: Verily when one of you stands for prayer, satan approaches him with the result that he forgets the number of *rak'ahs* he had already said. If you have such an experience, perform two prostrations while sitting.

(218) (Imām) Mālik learnt that the Apostle of Allah (may peace be upon him) said: I forget or am made to forget so that I may find a way to enlighten my *ummah*.[63]

(219) (Imām) Mālik learnt that a person said to Qāsim b. Muḥammad: I feel great distraction in the course of prayer. Qāsim said: Go on saying your prayer and pay no attention to the distracting thoughts; for it will never leave you until the prayer is finished, and carry the conviction in your heart that you have said the complete prayer.

Chapter 59

THE FRIDAY BATH

(220) Abū Hurairah reported the Apostle of Allah (may peace be upon him) having said: He who takes a bath on Friday, as if he were bathing for impurity, and goes early to the mosque, would be as if he has given a camel in *ṣadaqah*. He who goes next would be as if he has given a cow or heifer in *ṣadaqah*; he who goes third would be as if he has given a horned sheep in *ṣadaqah*, and he who goes fourth would be as if he has given a hen in *ṣadaqah*, and he who goes fifth would be as if he has given an egg in *ṣadaqah*, and when the Imām comes

63. This is one of the four *aḥādith* which are found in the *Muwaṭṭā'* only.

forth to deliver his sermon, angels come down to hear it.

(221) Abū Hurairah used to say that taking a bath on Friday is as obligatory for every adult as bathing after impurity.

(222) Sālim b. 'Abd Allah reported: One of the Companions[64] of the Apostle of Allah (may peace be upon him) came to the mosque on Friday at a time when 'Umar b. al-Khaṭṭāb was delivering the sermon. 'Umar asked him: Is this the time for coming to the mosque? He answered: I was in the market when I heard the *adhān* and then I performed my ablution and came. 'Umar said: This is your second fault. You performed only the ablution, although you know that the Apostle of Allah (may peace be upon him) used to order a bath.

(223) Abū Sa'īd Khudrī reported the Apostle of Allah (may peace be upon him) having said: The Friday bath is incumbent (*wājib*) upon every adult person.

(224) 'Abd Allah b. 'Umar reported the Apostle of Allah (may peace be upon him) having commanded that he who came for Friday prayer should come after taking the bath.[65]

Chapter 60

TO MAINTAIN SILENCE DURING THE FRIDAY SERMON

(225) Abū Hurairah reported the Apostle of Allah (may peace be upon him) having said: When the Friday sermon is being delivered by the Imām, if a man should ask a man sitting next to him to keep silence, he also is committing an absurdity.

(226) Tha'labah b. Abī Mālik Quraẓī said that they were offering their prayers during the time of 'Umar b. al-Khaṭṭāb on a Friday when 'Umar b. al-Khaṭṭāb came and sat down on the pulpit and the *mu'adhdhin* said the *adhān*. Tha'labah says: We sat speaking, but

64. This person was Ḥaḍrat 'Uthmān b. 'Affān as narrated by Ibn Wahb and Ibn al-Qāsim. It is evident that the Imām is authorised in the midst of a sermon to speak on matters religious. It is also evident that the Friday bath is not *farḍ* (obligatory), for if it had been so, Ḥaḍrat 'Uthmān would have gone back for the bath, and Ḥaḍrat 'Umar would have asked him to do this.

65. According to Imām Mālik, he who took a bath in the morning of a Friday intending it to be a Friday bath, it will not be sufficient. The bath should be taken just before going for the prayer.

when the *mu'adhdhins* were quiet and 'Umar stood up and delivered his sermon, no one spoke. Ibn Shihāb said: When the Imām comes forth for the sermon, prayer should be stopped and when he begins the sermon, all conversation should cease.

(227) Mālik b. Abī 'Āmir al-Aṣbaḥī reported: When 'Uthman b. 'Affān stood up to deliver his sermon on Friday he would often say: O people, when the Imam stands up for the sermon, listen to the sermon and maintain silence, for he who keeps quiet but is not able to hear the sermon will be equally rewarded as the one who sits silent and is able to hear it. He also used to say: When the *takbīr* is said, straighten your rows and keep up shoulder to shoulder, for the straightening of the rows is a complement of prayer. 'Uthmān would not say the *takbīr taḥrīmah* until those appointed to straighten the rows reported that the ranks were set.

(228) Nāfi' reported: 'Abd Allah b. 'Umar saw two men conversing with each other at the time of the sermon. He threw pebbles at them so that they may be quiet.

(229) Mālik learnt that a man sneezed on Friday at a time when the Imām was delivering the sermon and another replied (i.e. said *Yarḥamak Allāh*). Thereafter he asked of Sa'īd b. al-Musayyab regarding this and he prohibited it and asked him not to do so again.

(230) Mālik reported: I asked Ibn Shihāb (Zuhrī): When the Imām comes down from the pulpit after delivering the sermon on Friday, is it permissible to speak before *takbīr*? Ibn Shihāb said that there was no harm in it.

Chapter 61

OBTAINING ONE *RAK'AH* ONLY OF THE FRIDAY PRAYER

(231) Ibn Shihāb said: If a man obtains one *rak'ah* of the Friday prayer, he should say one more by himself. Mālik said that Ibn Shihāb considered that to be the *Sunnah*.

Chapter 62

ON *SA'Ī* ON FRIDAY

(232) Mālik asked Ibn Shihāb the explanation of the *āyat*[66]

- يَاأَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَوٰةِ مِن يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَىٰ ذِكْرِ اللَّهِ (٦٢ : ٩)

Ibn Shihāb answered that 'Umar b. al-Khaṭṭāb gave the following reading:

إِذَا نُودِيَ لِلصَّلَوٰةِ مِن يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَىٰ ذِكْرِ اللَّهِ (٦٢ : ٩)

Chapter 63

CONCERNING THE TIME ON FRIDAY WHEN A SUPPLICATION IS ANSWERED

(233) Abū Hurairah reported: The Apostle of Allah (may peace be upon him) spoke of Friday and of a particular time in it which a Muslim hardly discovers. He stands in prayer and begs something of Allah and Allah gives him that. The Apostle of Allah (may peace be upon him) made a sign with his hand to say that that time was very short.

(234) Abū Hurairah reported: I went to Mount Ṭūr and met Ka'b al-Aḥbār and sat with him. He related to me things from the Torah and I spoke to him of the discourses of the Prophet (may peace be upon him). One of these was that the Apostle of Allah (may peace be upon him) said: The best of all days which the sun has lighted up is Friday. On that day was Adam created and on that day he was made to descend, on that day he was pardoned and on that day he died. On that day will be the Day of Resurrection and there is no living being that does not fix his ear on Friday until the rising of the sun in fear[67] of the Judgment. The Resurrection Day will be

66. *Fas'au* means not running but proceeding. By *adhān* is meant the *adhān* which is said near the pulpit on the *imām's* taking his seat; for this was the only *adhān* in the time of the Apostle of Allah (may peace be upon him). The earlier *adhān* was initiated in 'Uthmān's time.

67. According to Ibn Mājah, Resurrection will take place at dawn on Friday. Therefore when the Friday morning dawns every living being is apprehensive of Resurrection but with the appearance of the sun the fear vanishes.

at a very early time of the morning but men and jinns are forgetful. There is a time on Friday which the Muslim does not find in prayer. He begs something of Allah and Allah grants it. Ka'b al-Aḥbār said: This is one day of the year. I said: No, every Friday. Then Ka'b read out the Torah and said: The Apostle of Allah (may peace be upon him) spoke the truth. Abū Hurairah stated: I then met Buṣrah b. Abī Buṣrah al-Ghifārī. He asked me: Where are you coming from? I said: From Ṭūr. He said: If before going there you had met me you would not have gone there. I have heard the Apostle of Allah (may peace be upon him) saying: Do not let the camels be harnessed except for three mosques—first the Masjid al-Ḥarām, second my Masjid (at Medina) and the third by the Masjid of Elia or Jerusalem —the narrator is in doubt[68] regarding the mosque actually meant here. Abū Hurairah stated: Thereafter I met 'Abd Allah b. Salām and narrated to him my conversation with Ka'b al-Aḥbār in respect of Friday and I told him that Ka'b al-Aḥbār had said that this day occurred but once in a year. 'Abd Allah b. Salām said that Ka'b had spoken falsely. (But said Abū Hurairah :) Ka'b, after reading out the Torah, confirmed that this occurs every Friday. Then 'Abd Allah b. Salām said: Ka'b spoke rightly. Then 'Abd Allah b. Salām said: I know the time and what it is. Abū Hurairah said: Tell me and do not be miserly. 'Abd Allah b. Salām said: That is the last hour of Friday. Abū Hurairah said: How can that be the last hour of Friday when the Apostle of Allah (may peace be upon him) had spoken: A Muslim says his prayer and does not find it? This is an hour when no prayer is said. 'Abd Allah b. Salām said: Did not the Apostle of Allah (may peace be upon him) declare that he who sits waiting for prayer is in a state of prayer until he says it? Abū Hurairah stated: Why not? It is that same hour.

68. The mosque of Elia or the mosque of Bait al-Muqaddas are one and the same. Zarqānī says that this *ḥadith* means that with the exception of these three mosques we should not travel for saying prayer in a particular mosque.

Chapter 64

ON CHANGING DRESS ON FRIDAY, JUMPING OVER PEOPLE AND SITTING WITH FACE TOWARDS THE *IMĀM*

(235) Yaḥyā b. Sa'īd (al-Anṣārī) reported the Apostle of Allah (may peace be upon him) having said: What harm is there if any one of you prepared two dresses for Friday prayer, in addition to the ordinary dress of daily use?

(236) Nāfi' reported: 'Abd Allah b. 'Umar would not go to the Friday prayer without applying oil and scent except when he was wearing *iḥrām*.

(237) Abū Hurairah said: If any one of you said the ẓuhr in Ḥarrah,[69] it is better for him to remain sitting at home, and when the Imām should stand up for the sermon on Friday he should go forward jumping over the necks (and shoulders) of men.

Chapter 65

RECITATION IN FRIDAY PRAYER, *IḤTIBĀ'*[70] AND OMITTING FRIDAY PRAYER WITHOUT ANY REASON

(238) Ḍaḥḥāk b. Qais enquired of Nu'mān b. Bashīr as to what *sūrah* used to be recited by the Apostle of Allah (may peace be upon him) on Friday after Sūrat al-Jumu'ah. He replied: Sūrat al-Ghāshiyah.[71]

(239) Mālik learnt that 'Abd Allah b. 'Umar sat in the position of *iḥtibā'* on Friday and the *imām* delivered the sermon.

(240) Ṣafwān b. Sulaim reported but Mālik said: I am not aware whether or not it has come down from the Apostle of Allah (may

69. A tract of land outside Medina noted specially for its black stones.

70. By *Iḥtibā'* is meant sitting on the buttocks with feet erect and bound to the waist by means of a cloth. Such a posture is not prohibited unless it be that it causes sleep.

71. In the first *rak'ah* he recited Sūrat al-Jumu'ah and in the second Sūrat al-Ghāshiyah. Some say Sūrat al-A'lā in the first and Ghāshiyah in the second. Some say Sūrat al-Jumu'ah in the first and Munāfiqūn in the second. Imām Mālik thinks that Sūrat al-Jumu'ah should not be omitted in the first *rak'ah* and in the second any *sūrah* may be read as desired.

peace be upon him) that if a man should miss the Friday prayer three times without excuse, or illness, Allah will seal his heart.

(241) Muḥammad Bāqir b. 'Alī b. Ḥusain b. 'Alī b. Abī Ṭālib reported: The Apostle of Allah (may peace be upon him) delivered two sermons on Friday and sat down between them.

Chapter 66

TARĀWĪḤ IN RAMAḌĀN

(242) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported: One night the Apostle of Allah (may peace be upon him) said (*tarāwīḥ*) prayer in the mosque and the people said their prayer after him. He did it likewise the second night and a large number of people attended. The people gathered on the third and fourth nights, but he (the Prophet) did not come out. In the morning he said: I perceived your collecting at night, but what prevented me from coming out was the fear that the prayer might become obligatory. This happened during Ramaḍān.

(243) Abū Hurairah reported: The Apostle of Allah (may peace be upon him) used to prompt people to say the *tarāwīḥ* prayer during the nights of Ramaḍān but did not press it as an obligation or duty. He used to say: Who said the *tarāwīḥ* during the Ramaḍān considering it a right due specially to Allah would find their previous sins pardoned. Ibn Shihāb reported that the Apostle of Allah (may peace be upon him) died and matters were left as such even during the Caliphate of Ḥaḍrat Abū Bakr and during the beginning of Ḥaḍrat 'Umar's Caliphate.[72]

(244) 'Abd al-Raḥmān b. 'Abd al-Qārī reported: I went with 'Umar b. al-Khaṭṭāb to the mosque in Ramaḍān and saw people saying the *tarāwīḥ* in different groups. Someone was saying it alone and with another was a group of eight to ten men. 'Umar said: By Lord, I feel that if I should put them all behind one *qārī*, it would be well. He then grouped them all behind Ubayy b. Ka'b. 'Abd al-Raḥmān

72. That is, some offered the *tarāwīḥ* and some did not. Some performed them at home and some in the mosque, and in the mosque they did not perform them behind one *imām* but different congregations were held.

said: When I went with him the next night, I saw that all the people were saying their prayer behind Ubayy b. Ka'b. 'Umar id: This is a good innovation. The time of sleep—the latter part of the night—is better than when you say your prayer in the earlier part of the night and people used to gather in the earlier part of the night.

(245) Sā'ib b. Yazīd reported that 'Umar b. al-Khaṭṭāb ordered Ubayy b. Ka'b and Tamīm al-Dārī to say eleven *rak'ahs*.[73] Sā'ib b. Yazīd said that the Imām used to recite one hundred verses in one *rak'ah* so that (while standing) we leaned against the timber and did not finish until it was nearly morning.

(246) Yazīd b. Rūmān reported that people used to say twenty-three *rak'ahs* in the time of 'Umar b. al-Khaṭṭāb.

(247) Dāwūd b. al-Ḥuṣain heard ('Abd al-Raḥmān b. Hurmuz) A'raj reporting: I found people cursing[74] the unbelievers in Ramaḍān and the *imām* used to recite Sūrat al-Baqarah in eight *rak'ahs*. Whenever he did so in twelve *rak'ahs*, people felt as if there had been a reduction.

(248) 'Abd Allah b. Abū Bakr reported that he heard his father saying: When we used to finish the *tarāwīḥ* in the month of Ramaḍān, we would ask our servants to serve meals early for fear of the morning.

(249) 'Urwah b. al-Zubair reported: Dhakwān b. Abū 'Amr who was the freed slave of 'Ā'ishah, wife of the Prophet (may peace be upon him), used to lead the prayer for her in Ramaḍān.

Chapter 67

TAHAJJUD (LATE NIGHT) PRAYERS

(250) 'Ā'ishah reported the Apostle of Allah (may peace be upon

73. That is, eight *rak'ahs* of *tarāwīḥ* and three *rak'ahs* of *witr*. The Holy Prophet (may peace be upon him) also performed eleven *rak'ahs*. Bukhārī and Muslim report it from 'Ā'ishah that the Holy Prophet (may peace be upon him), during Ramaḍān and even otherwise, did not say more than eleven *rak'ahs*. Sa'īd b. Manṣūr reported that, according to the orders of Ḥaḍrat 'Umar, Ubayy b. Ka'b used to lead men in *tarāwīḥ* and Tamīn al-Dārī led the prayer of women.

74. They used to curse the disbelievers, that is in *witr* they recited *qunūt* which curses disbelievers. When a calamity comes, this *qunūt* should be recited in every prayer in the last *rak'ah* after *rukū'* (while standing) and the followers should say *Āmīn*.

him) having said: There is not a man who said his prayer always at night and became overpowered with sleep but was rewarded with such of his prayer and his sleep turned into virtue.

(251) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported: I used to sleep in front of the Apostle of Allah (may peace be upon him) and my feet would be towards the *qiblah*. When he prostrated, he would press my feet and I would withdraw them, and when he stood up I stretched out my legs again. 'Ā'ishah added: In those days there were no lamps in the houses.

(252) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported the Apostle of Allah (may peace be upon him) to have said: If any of you begins to doze in prayer he should go to sleep, and sleep to his heart's content, for it is possible that he may say his prayer dozing and may not be aware whether he was expressing repentance or speaking ill of himself.

(253) Ismā'īl b. Abī Ḥakīm learnt that the Apostle of Allah (may peace be upon him) heard of a woman who said her prayers all the night and asked who she was. They said she was Ḥaulā' daughter of Tuwait and did not sleep during the night. The Apostle of Allah (may peace be upon him) felt displeased and his displeasure became apparent from his countenance. He said: The Lord does not get disgusted until you are disgusted. Act as far as your strength allows you.

(254) Aslam reported: 'Umar b. al-Khaṭṭāb used to pray at night according to the will of the Lord, and when it was the latter part of the night he would wake up his family for prayer and say: "Prayer, prayer," and recite the following verses: "Then ask members of your household to say prayer and be patient. We do not ask bread of any type but We supply you, and the welfare of the Hereafter is in piety."

(255) It reached Mālik that Sa'īd b. al-Musayyab used to say: To sleep before and to talk after 'ishā' is repugnant.

(256) Mālik learnt that 'Umar b. al-Khaṭṭāb used to say that *nafl* prayers for the day and night are two each, say *salām* after every two *rak'ahs*.

Chapter 68

ON *WITR*

(257) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported that he (the Prophet) used to say eleven *rak'ahs* at night of which one used to be that of *witr*. After finishing them he would lie down on the right side.[75]

(258) Abū Salamah b. 'Abd al-Raḥmān b. 'Auf reported that he asked 'Ā'ishah, wife of the Prophet (may peace be upon him), as to how the Apostle of Allah (may peace be upon him) used to say his prayers during Ramaḍān. She said that during Ramaḍān or outside Ramaḍān he never exceeded eleven *rak'ahs*. Of these four *rak'ahs* were in merit and length indescribable. He followed these with four *rak'ahs*, in merit and length indescribable. Then he said three *rak'ahs*. 'Ā'ishah said: Apostle of Allah, you sleep before saying the *witr*? He replied: O 'Ā'ishah, both my eyes sleep, but my heart does not sleep.

(259) 'Ā'ishah, Mother of the Believers, reported: The Apostle of Allah (may peace be upon him) used to say thirteen *rak'ahs* at night and when he heard the morning *adhān* he would say two light *rak'ahs*.

(260) 'Abd Allah b. 'Abbās reported: I stayed one night at the house of Maimūnah, who was the wife of the Prophet (may peace be upon him), and was my aunt. I laid breadthwise on the bed and he and his wife lay along its length. The Apostle of Allah (may peace be upon him) went to sleep and woke up about midnight and rubbed his eyes with his hands and then recited ten verses from the end of the Sūrah Āl-i-'Imrān. He then went to the water-skin that hung near by and performed his ablution well and then stood up and began to say his prayer. Ibn 'Abbās said: I stood up and began to do what I had seen him doing. And when I went near, he put his right hand over my head and taking hold of my right ear began rubbing it. He then said two *rak'ahs* and then two *rak'ahs* and then two *rak'ahs* and then two *rak'ahs* and then two *rak'ahs* and then two *rak'ahs* and and then *witr* and then laid down. When the *mu'adhdhin* came, he

75. This shows that *witr* could also be of one *rak'ah*.

said two light *rak'ahs* and went out and said his morning prayer.[76]

(261) Zaid b. Khālid al-Juhanī reported: I made up my mind to witness the prayer of the Apostle of Allah (may peace be upon him) at night. I leaned at the threshold of the house of the Apostle of Allah (may peace be upon him) that was covered with hair. The Apostle of Allah (may peace be upon him) stood up and said two very long, very long, very long *rak'ahs* and then two *rak'ahs*, a little shorter than the first two and then two *rak'ahs* a little shorter than the latter, and two *rak'ahs* still shorter, followed by two *rak'ahs* shorter than these and two *rak'ahs* still a little shorter and then one *rak'ah* of *witr*—he said thirteen *rak'ahs* in all.

(262) 'Abd Allah b. 'Umar reported that a man asked the Apostle of Allah (may peace be upon him) about the night prayer. He replied: Night prayer consists of two *rak'ahs* each and when it is feared lest morning breaks, say one *rak'ah* more to make your prayers odd.

(263) 'Abd Allah b. Muḥairīz reported that a man of Banī Kanānah, who was called Mukhdajī, heard in Syria from a man whose patronym was Abū Muḥammad that *witr* was *wājib* (obligatory). Mukhdajī said: I went to 'Ubādah b. Ṣāmit and spoke while he was proceeding to the mosque and informed him of the statement of Abū Muḥammad. 'Ubādah said: Abū Muḥammad has spoken false; I heard the Apostle of Allah (may peace be upon him) saying: There are five prayers which the Lord has made obligatory upon His creatures. He who should say them, considering them to be no burden, will not leave any of them. The Lord has promised to admit him to Paradise and for him who abandons them there is no promise of the Lord. If He wills He may punish him or if He wills He may admit him to Heaven.[77]

(264) Sa'īd b. Yasār said: I was (one night) a companion in travel with 'Abd Allah b. 'Umar on the way to Mecca. When I feared that the morning was about to break, I dismounted from the camel and said *witr* and then overtook him. 'Abd Allah b. 'Umar asked where

76. These were thirteen *rak'ahs*—twelve of *tahajjud* and one of *witr*. During the prayer the Prophet (may peace be upon him) placed his hand on the head of Ibn 'Abbās and rubbed his ears out of love so that he might not feel worried on account of the darkness of the night.

77. This is to show that *witr* is not *wājib* (compulsory).

I had been. I told him: I feared that the morning would break and hence dismounted and said my *witr*. 'Abd Allah asked: Do you not follow the example of the Apostle of Allah (may peace be upon him)? I said: Oh, why not? 'Abd Allah then said: The Apostle of Allah (may peace be upon him) used to say his *witr* on camel.

(265) Sa'īd b. al-Musayyab said: When Abū Bakr used to go to bed, he would say his *witr* on bed, and 'Umar b. al-Khaṭṭāb said his *witr* at the end of the night. Sa'īd added: I say *witr* when proceeding to sleep on my bed.

(266) It reached Imām Mālik that a man asked 'Abd Allah b. 'Umar whether *witr* was *wājib*. 'Abd Allah replied: The Apostle of Allah (may peace be upon him) and the Muslims said *witr*. The narrator said that the man asked 'Abd Allah repeatedly and 'Abd Allah again and again replied: The Apostle of Allah (may peace be upon him) and the Muslims said *witr*.

(267) It reached Imām Mālik that 'Ā'ishah, wife of the Prophet (may peace be upon him), used to say that the man who feared he would not wake up before daybreak should say his *witr* before proceeding to bed and he who hoped to wake up late at night should delay *witr*.

(268) Nāfi' said: I was with 'Abd Allah b. 'Umar on the way to Mecca and the sky was overcast. 'Abd Allah b. 'Umar feared that the day might break and therefore said one *rak'ah* of *witr*. The sky then cleared and he saw that it was still night. He then said one *rak'ah* more to make it a double and then said two *rak'ahs* and when there was fear of daybreak he said one *rak'ah* of *witr*.

(269) Nāfi' said: 'Abd Allah b. 'Umar used to turn in salutation after saying two *rak'ahs* of *witr* and if he had anything to do he would order it and then he would say one *rak'ah*.

(270) Ibn Shihāb reported: Sa'd b. Abī Waqqāṣ used to say the *witr* after the 'ishā' (night prayer) to the extent of one *rak'ah*.

Chapter 69

WITR AFTER MORNING PRAYER

(271) Sa'īd b. Jubair said: 'Abd Allah b. 'Abbās slept, then woke

up and said to his servant: See what the people are doing. At that time 'Abd Allah b. 'Abbās had lost his eyesight. The servant went, turned back and reported that the people had said the morning prayer. 'Abd Allah b. 'Abbās stood up, said the *witr* and then said his morning prayer.

(272) It reached Mālik that 'Abd Allah b. 'Abbās and 'Ubādah b. Ṣāmit and Qāsim b. Muḥammad and 'Abd Allah b. 'Āmir b. Rabī'ah said the *witr* after the morning had dawned.

(273) 'Urwah b. Zubair said: 'Abd Allah b. Mas'ūd said: I do not fear if I am saying *witr* at the time of the morning prayer.

(274) Yaḥyā b. Sa'īd said: 'Ubādah b. Ṣāmit was functioning as an Imām of a tribe. He went out one day for the morning prayer and the *mu'adhdhin* said the *takbīr* for the morning prayer. 'Ubādah asked the *mu'adhdhin* to be silent, and then he said his *witr* and after that led the morning prayer.

(275) 'Abd al-Raḥmān b. al-Qāsim said: I heard 'Abd Allah b. 'Āmir b. Rabī'ah saying: I say *witr* and hear the *takbīr* of the morning prayer, or I say *witr* after daybreak. He said: What doubt has 'Abd al-Raḥmān?

(276) 'Abd al-Raḥmān b. Qāsim heard his father Qāsim b. Muḥammad saying: I say *witr* after daybreak.

Chapter 70

THE *SUNNATS* OF THE MORNING

(277) Ḥafṣah, wife of the Prophet (may peace be upon him), said: When the *mu'adhdhin* used to become silent after saying the *adhān* of the morning prayer, the Apostle of Allah (may peace be upon him) used to say two light *rak'ahs*, before the congregational prayer.

(278) 'Ā'ishah said: The Apostle of Allah (may peace be upon him) used to say the two morning *rak'ahs* quickly so that I would ask him whether or not he had read Sūrah Fātiḥah.

(279) Abū Salamah b. 'Abd al-Raḥmān said: When the people

heard the *takbīr*, they stood up and began to say their (*Sunnat*) prayers. The Apostle of Allah (may peace be upon him) came out and said: What! Are two prayers going to be said simultaneously—are two prayers to be said simultaneously? This was said at the time of the morning prayer, requiring the two *rak'ahs* which are said prior to the morning prayer.[78]

(280) It reached Imām Mālik that 'Abd Allah b. 'Umar lost his two morning *rak'ahs*. He then said them after rising of the sun.

(281) Qāsim b. Muhammad reported to the same effect about Ibn 'Umar.

Chapter 71

THE EXCELLENCE OF CONGREGATIONAL PRAYERS

(282) 'Abd Allah b. 'Umar said: The Apostle of Allah (may peace be upon him) said that the congregational prayer has twenty-seven times more merit than the prayer offered individually.

(283) Abū Hurairah said: The Apostle of Allah (may peace be upon him) declared that congregational prayer has twenty-five times more merit than prayer offered individually.

(284) Abū Hurairah reported the Apostle of Allah (may peace be upon him) having said: By Him Who holds my life, I intended to order the cutting of wood and burning it, then to order prayer and say the *adhān*, then of asking a man to lead the prayers, then of going after those who did not attend the congregation and setting fire to their houses. By Him Who holds my life in possession, if any of them knew that by joining the congregation, they could get one nice meat bone or two hoofs of the goat, they would certainly attend the 'ishā' congregation.

(285) Busr b. Sa'īd said: Zaid b. Thābit said that worthier is the prayer that is said at home, except in case of the *farḍ* prayer.

78. When the *takbir* is said, then nothing should be said but the *farḍ* prayers even though there be hope of joining the congregation in time. Imām Abū Ḥanīfah holds otherwise. According to him, the two *rak'ahs* (*Sunnat*) should be said if there is hope of joining the congregational prayer.

Chapter 72

THE MERIT OF THE MORNING AND NICHT CONGREGATION

(286) Sa'īd b. al-Musayyab reported the Apostle of Allah (may peace be upon him) having said : The distinction between us and the hypocrites lies in the fact that they cannot attend the morning and night congregation, or he said something to that effect.

(287) Abū Hurairah reported the Apostle of Allah (may peace be upon him) having said : A man was going on his way and found a thorny bough on the way which he removed. The Lord was pleased with him and forgave him his sins. He (the Prophet) then said : Martyrs are of five kinds : those who die of plague, of cholera, are drowned, are killed by anything falling over them or become martyrs in the way of the Lord.[79]

(288) Abū Bakr b. Sulaimān b. Abī Ḥathmah said : 'Umar b. al-Khaṭṭāb did not find Sulaimān b. Abī Hathmah at the morning prayer. 'Umar went to the market-place and Sulaimān's house was situated between the market-place and the mosque. He met Shifā', mother of Sulaimān, and said to her : I did not see Sulaimān in the morning prayer. She replied that he had been praying through the night and hence was overtaken with sleep. 'Umar replied : Methinks, attending the morning congregational prayer is better than the nocturnal devotions.

(289) 'Abd al-Raḥmān b. Abī 'Amrat al-Anṣārī said : 'Uthmān b. 'Affān arrived at the mosque for the night ('ishā') prayer and found but a small number of people. He then lay down at the end of the mosque waiting for more men to arrive. Ibn Abī 'Amrah came and sat near 'Uthmān. 'Uthmān asked who he was, and he told him his name. 'Uthmān asked how much of the Qur'ān he knew and he gave him information. 'Uthmān then told him : He who arrives for the night congregational prayer has said his devotions for half the night and he who attends the morning congregational prayer has spent his whole night in prayer.[80]

79. It is not known why Imām Mālik has mentioned this *ḥadīth* in this chapter.

80. According to Imām Muslim, Abū Dāwūd and Tirmidhī, Ḥaḍrat 'Uthmān said that this was what the Apostle of Allah (may peace be upon him) had said.

Chapter 73

TO REPEAT THE PRAYER WITH THE *IMĀM*

(290) Miḥjan al-Dailī b. Abī Miḥjan reported that he was sitting with the Apostle of Allah (may peace be upon him). When the *adhān* for prayer was announced, the Apostle of Allah (may peace be upon him) stood up and went for the prayers and returned and found Miḥjan sitting at the same place. The Apostle of Allah (may peace be upon him) asked him : Why have you not said your prayer with the congregation ? Are you not a Musalman ? Miḥjan replied : Why not, Apostle of Allah, but I had already said my prayer at home. Then the Apostle of Allah (may peace be upon him) replied : When you come to the mosque, say your prayer with the congregation even though you may have said it already.

(291) Nāfi' said : A man asked 'Abd Allah b. 'Umar : I say my prayer at home and then find the congregation praying with the *imām*. Should I pray with him? 'Abd Allah b. 'Umar said : Yes. He said : Which of the two would be deemed to be *farḍ* and which *nafl* ? 'Abd Allah b. 'Umar said : What concern is that of yours ? It is the Lord Who maketh whatever He thinks fit to be *farḍ* and whatever He deems fit to be *nafl*.

(292) Yaḥyā b. Sa'īd said : A man asked Sa'īd b. al-Musayyab : I say my prayer at home and, arriving at the mosque, find the *imām* leading the prayer. Should I repeat the prayer with him? Sa'īd said : Yes. The man said : Which prayer should I consider *farḍ* ? Sa'īd said : Can you make a prayer *farḍ* or *nafl* ? This is the domain of the Lord.

(293) A man of the tribe of Banī Asad reported that he asked Abū Ayyūb al-Anṣārī : I say my prayer at home and then go to the mosque and find the *imām* saying the prayer. Should I say the prayer again with him ? Abū Ayyūb said : Yes, pray with him ; he who does so will obtain a part of the virtue of the congregational prayer, or something similar to it.

(294) Nāfi' reported : 'Abd Allah b. 'Umar used to say that a man who had said his sunset (maghrib) or morning (fajr) prayers, should not repeat them with the *imām*.

Chapter 74

PROCEDURE IN CONGREGATIONAL PRAYER

(295) Abū Hurairah reported the Apostle of Allah (may peace be upon him) having said : Whosoever of you leads the prayer should shorten it, for in the congregation are also persons who are sick, weak and old. When you say it alone, make it as long as you will.

(296) Nāfi' said : I stood up to say my prayer with 'Abd Allah b. 'Umar and there was no one else. 'Abd Allah caught me from behind and made me stand by his right side.

(297) Yaḥyā b. Sa'īd reported that a man was leading the prayer at 'Aqīq.[81] 'Umar b. 'Abd al-'Azīz sent orders prohibiting him from *imāmah*. Mālik says that this was because his father was not known.[82]

Chapter 75

IMĀM'S SAYING PRAYER WHILE SITTING

(298) Anas b. Mālik said : The Apostle of Allah (may peace be upon him) mounted a horse. He fell down and his right side was abrased. He then said his prayer sitting and we also said our prayer behind him sitting. When the prayer was over he (the Prophet) said : The *imām* is appointed so that he may be followed. When the *imām* says his prayer standing, you should also stand, when he goes into *rukū'*, you should go into *rukū'*, when he raises his head, you should raise your head and when he says : *Sami' Allāhu liman ḥamidah*, you should all say *Rabbanā wa lak al-ḥamd* and when the *imām* says prayer sitting you should also say prayers sitting.[83]

(299) 'Ā'ishah, wife of the Prophet (may peace be upon him), said : The Apostle of Allah (may peace be upon him) said his prayer

81. A suburb of Medina,

82. Quoting Ibrāhīm al-Nakha'ī in *Kitāb al-Āthār*, Imām Muḥammad, however, says that there is nothing wrong in saying prayer behind an A'rābī (rustic), a man of doubtful fatherhood or a slave if he is versed in the recitation of the Holy Qur'ān.

83. Imām Shāfi'ī says that this *ḥadīth* has been abrogated inasmuch as when the Apostle of Allah (may peace be upon him) said his prayer sitting during his last illness, the Companions said theirs standfng behind him.

sitting on account of illness and the people began to pray standing. He (the Prophet) made a sign to them to sit down. After prayer he said: An *imām* is appointed so that he may be followed: so when he goes into *rukū‘* you should go into *rukū‘*, when he raises his head, you should also raise your head and when he says the prayer sitting, you should all pray sitting too.

(300) ‘Urwah b. al-Zubair narrated: The Apostle of Allah (may peace be upon him) came out during his last illness to the mosque and found Abū Bakr standing and leading the prayer. Abū Bakr wanted to get back, but the Apostle of Allah (may peace be upon him) made a sign to him to remain in his place and he himself sat down by the side of Abū Bakr. Abū Bakr followed the prayer of the Apostle of Allah (may peace be upon him) and the people followed the prayer of Abū Bakr.

Chapter 76

GREATER VIRTUE OF PRAYER WHILE STANDING THAN WHILE SITTING

(301) ‘Abd Allah b. ‘Amr b. al-‘Āṣ reported the Apostle of Allah (may peace be upon him) having said that prayer said sitting has half the virtue of prayer said standing.

(302) ‘Abd Allah b. ‘Amr b. al-‘Āṣ narrated: When we arrived at Medina, fever had taken an epidemic form. The Apostle of Allah (may peace be upon him) found people saying their *nafl* prayers sitting, so he said: He who says his prayer sitting gets only half the reward of him who says it standing.

Chapter 77

TO SAY *NAFL* PRAYER WHILE SITTING

(303) Ḥafṣah, wife of the Prophet (may peace be upon him), narrated.: I never saw the Apostle of Allah (may peace be upon him) saying his prayer sitting, but a year before his death he used to pray sitting and recite the *sūrah* (of the Holy Qur’ān) so leisurely that the recitation seemed lengthening.

(304) ‘Ā’ishah, wife of the Prophet (may peace be upon him), said: I never observed the Apostle of Allah (may peace be upon him) saying the *tahajjud* prayer sitting, but when he grew old he prayed sitting. Even then he would recite thirty or forty verses standing before *rukū‘* and then went into *rukū‘*.

(305) ‘Ā’ishah, wife of the Prophet (may peace be upon him), narrated: Whenever the Apostle of Allah (may peace be upon him) said his prayer sitting, he would recite (the Holy Qur’ān) sitting and when thirty or forty verses remained he stood up and recited them, then went into *rukū‘* and performed *sajdah* and acted likewise in the second *rukū‘*.

(306) It reached Mālik that ‘Urwah b. al-Zubair and Sa‘īd b. al-Musayyab said their prayer sitting with their feet erect and their heads touching the ground.

Chapter 78

THE MIDDLE PRAYER

(307) Abū Yūnus, freedman of ‘Ā’ishah, Mother of the Believers, reported: ‘Ā’ishah ordered me to transcribe the Holy Qur’ān and asked me to let her know when I should arrive at the verse [ii. 238]:

حَافِظُوا عَلَى الصَّلَوٰتِ وَالصَّلٰوةِ الْوُسْطٰى وَقُومُوا لِلّٰهِ قٰنِتِينَ ۝ (٢ : ٢٣٨)

When I arrived at that verse, I informed her and she ordered: Write in this way:

حَافِظُوا عَلَى الصَّلَوٰتِ وَالصَّلٰوةِ الْوُسْطٰى وَصَلٰوةِ الْعَصْرِ وَقُومُوا لِلّٰهِ قٰنِتِينَ ۝

She added that she had heard it so from the Apostle of Allah (may peace be upon him).

(308) ‘Amr b. Rāfi‘ reported: I was transcribing the Holy Qur’ān for Ḥafṣah, Mother of the Believers, and she told me to tell her when I should reach the verse:

حَافِظُوا عَلَى الصَّلَوٰتِ وَالصَّلٰوةِ الْوُسْطٰى وَقُومُوا لِلّٰهِ قٰنِتِينَ ۝ (٢ : ٢٣٨)

When I arrived at that verse, I informed her and she asked me to write:

حٰفِظُوْا عَلَى الصَّلَوٰتِ وَالصَّلٰوةِ الْوُسْطٰى وَصَلٰوةِ الْعَصْرِ وَقُوْمُوْا لِلّٰهِ قٰنِتِيْنَ ۔

i.e. Protect your prayers and the middle prayer and the 'aṣr prayer and stand up before Allah with silence.

(309) 'Abd al-Raḥmān b. Sa'īd b. Yarbū' al-Makhzūmī narrated: I heard Zaid b. Thābit saying that the middle prayer was the prayer of ẓuhr.

(310) It reached Imām Mālik on the authority of 'Alī b. Abī Ṭālib and 'Abd Allah b. 'Abbās that both of them used to say that the middle prayer was the morning prayer.

Chapter 79

SAYING PRAYER IN ONE PIECE OF CLOTH

(311) 'Umar b. Abī Salamah said: I saw the Apostle of Allah (may peace be upon him) saying his prayers wrapped in one piece of cloth and its two ends gathered over his two shoulders. This was in the house of Umm Salamah.

(312) Abū Hurairah reported: A man asked the Apostle of Allah (may peace be upon him) whether prayer in one piece of cloth was allowed, and he replied: Does every one of you get two pieces of cloth?

(313) Sa'īd b. al-Musayyab said: Abū Hurairah was questioned regarding the performance of prayer in one piece of cloth. He answered that it was allowed. He was then asked whether he himself did so. He answered that he said his prayers in one piece of cloth even though his (other) clothes lay on the table.

(314) It reached Imām Mālik that Jābir b. 'Abd Allah al-Anṣārī used to say his prayers wearing one piece of cloth.

(315) Rabī'ah b. Abī 'Abd al-Raḥmān reported: Muḥammad b. 'Amr b. Ḥazm used to say his prayers wearing only his shirt.

(316) Jābir b. 'Abd Allah said: The Apostle of Allah (may peace be upon him) said that if a man did not afford two clothes, he may wrap himself up in one and say his prayer and if even that was small, he may wrap it round his loins.

Chapter 80

WOMAN'S PRAYER IN SHIRT AND HEAD WRAP

(317) It reached Mālik that 'Ā'ishah, wife of the Prophet (may peace be upon him), said her prayers in shirt and head wrap.[84]

(318) Umm Ḥarām narrated that she asked Umm Salamah, wife of the Prophet (may peace be upon him), as to how many clothes were required for a woman's prayer. She answered: In a head wrapper and a shirt, but the shirt must be long enough to cover the feet.

(319) 'Ubaid Allah b. Khaulānī, who was brought up by Maimūnah, Mother of the Believers, narrated: Maimūnah used to say her prayer in a shirt and a head wrap and she was not wearing trousers.

(320) 'Urwah b. Zubair reported that he was asked by a woman who said that one found difficulty in saying prayers with a belt and whether she might say them in a shirt and a head wrap. 'Urwah said: Yes, provided the shirt is sufficiently long.

Chapter 81

COMBINATION OF TWO PRAYERS

(321) ('Abd al-Raḥmān) A'raj reported that the Apostle of Allah (may peace be upon him) used to combine ẓuhr and 'aṣr in the journey to Tabūk.[85]

(322) Mu'ādh b. Jabal narrated: When they set out with the Apostle of Allah (may peace be upon him) in the year of Tabūk, the Apostle of Allah (may peace be upon him) used to combine ẓuhr and 'aṣr prayers, and the maghrib and 'ishā' prayers. One day he delayed the prayer and then set out and said the ẓuhr and 'aṣr prayers together. Then a place was reached where he said the maghrib and

84. But the shirt used to be so long that it covered her whole body including feet.

85. Tabūk is a place where the Apostle of Allah (may peace be upon him) went to fight a battle.

'ishā' prayers together and declared : If the Lord wills, you will arrive at the fountain of Tabūk tomorrow, but only after the sun rises high in the sky. If any of you reach it, do not touch its water until I arrive. We arrived at the fountain but, previous to it, two men had reached the spot and some little water was sparking brightly in the fountain. The Apostle of Allah (may peace be upon him) asked the two whether they had touched the water and they said: Yes. The Apostle of Allah (may peace be upon him) rebuked them and said what Allah willed. Handfuls of water were then taken out of the fountain and collected in a vessel and the Apostle of Allah (may peace be upon him) washed his face and both his hands in it and had the water poured back into the fountain, and then the water began to gush plentifully from the fountain. The men then drank water and the Apostle of Allah (may peace be upon him) said: Mu'ādh, if your life is long, you will see that this spot will be full of gardens.

(323) Nāfi' said: 'Abd Allah b. 'Umar said that when the Apostle of Allah (may peace be upon him) intended to travel fast, he combined the maghrib and 'ishā' prayers.

(324) 'Abd Allah b. 'Abbās said : The Apostle of Allah (may peace be upon him) said with us the ẓuhr and 'aṣr prayers together and the maghrib and 'ishā' prayers together without any cause of fear or occasion of travel. Imām Mālik said that that perhaps happened during the rains.

(325) Nāfi' narrated: 'Abd Allah b. 'Umar in company with the Commanders used to combine maghrib and 'ishā' prayers during rains.

(326) Ibn Shihāb enquired of Sālim b. 'Abd Allah whether ẓuhr and 'aṣr prayers could be combined in travel. He replied : Yes, there is no harm. Have you not seen that the people at 'Arafāt combine prayers?

(327) 'Alī b. Ḥusain (Zain al-'Ābidīn) narrated: When the Apostle of Allah (may peace be upon him) desired to travel during the day, he would combine ẓuhr and 'aṣr prayers, and when he desired to travel during the night, he used to combine maghrib and 'ishā' prayers.

Chapter 82

SHORTENED PRAYER (DURING TRAVEL)

(328) Umayyah b. 'Abd b. Khālid b. Usaid asked 'Abd Allah b. 'Umar: O Abū 'Abd al-Raḥmān, we find the prayer of fear and at rest mentioned in the Holy Qur'ān, but there is no mention of prayer in travel in the Holy Qur'ān. 'Abd Allah b. 'Umar replied: O my brother's son, Allah sent Muḥammad (may peace be upon him) to us when we knew nothing. So we act as we saw him acting.

(329) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported: Two *rak'ahs* were made obligatory in travel and at rest and later the prayer in respect of travel continued to be the same and the prayer at rest was increased.

(330) Yaḥyā b. Sa'īd asked Sālim b. 'Abd Allah: How long did you observe your father delaying the maghrib prayer, during travel? Sālim replied: The sun had set and we were then at Dhāt ul-Jaish and we said our maghrib prayer at 'Aqīq.[86]

Chapter 83

DISTANCE FOR SHORTENED PRAYER

(331) Nāfi' reported that when 'Abd Allah b. 'Umar left Medina for the *Ḥajj* or '*Umrah*, he would say shortened prayers from Dhu'l-Ḥulaifah.[87]

(332) Sālim b. 'Abd Allah reported that his father 'Abd Allah b. 'Umar mounted at Medina to go to Rīm[88] and he said shortened prayers during the journey.

(333) Sālim b. 'Abd Allah reported that 'Abd Allah b. 'Umar started from Medina on a journey to Dhāt al-Naṣb[89] and he said shortened prayers on the way.

86. 'Aqīq is twelve miles from Dhāt al-Jaish; some say seven miles and some say six miles. It is evident that the prayer was delayed and the maghrib and 'ishā' prayers were combined.

87. Dhu'l-Ḥulaifah is six miles from Medina.

88. Rīm is forty-eight miles from Medina.

89. Dhāt al-Naṣb is about forty-eight miles from Medina.

(334) ‘Abd Allah b. ‘Umar used to travel from Medina to Khaibar[90] and shortened his prayers on the journey.

(335) Sālim b. ‘Abd Allah reported that ‘Abd Allah b. ‘Umar used to shorten his prayer in a journey extending over one whole day.

(336) When Nāfi‘ travelled with ‘Abd Allah b. ‘Umar over a distance of one barīd,[91] he did not shorten his prayers.

(337) It reached Mālik that ‘Abd Allah b. ‘Abbās used to say shortened prayers in distances such as between Mecca and Ṭā’if or between Mecca and Jeddah.[92]

Chapter 84

THE PRAYER OF A TRAVELLER WHO STOPS AT A PLACE NOT ORIGINALLY INTENDED

(338) Sālim b. ‘Abd Allah reported that ‘Abd Allāh b. ‘Umar used to say: I say shortened prayers until the time I make up my mind to stay, even though I should stop there for twelve nights.

(339) Nāfi‘ said: Ibn ‘Umar stayed at Mecca for ten nights and continued to say shortened prayers but when he prayed with the *imām* he would say the full prayer.

Chapter 85

PRAYER OF THE TRAVELLER WHEN HE INTENDS TO STAY

(340) ‘Aṭā’ al-Khurāsānī heard Sā‘īd b. al-Muṣayyab saying: When a man intends to stay four nights, he should say full prayers.[93]

90. Khaibar is ninety-six miles from Medina.

91. *Barid* (pl. *bard*) is equal to twelve miles.

92 These are distances of about forty-eight miles.

93. Abū Thaur and Imâm Abū Ḥanīfah state that until the traveller intended staying for fifteen days he should continue to shorten his prayers. Such are also the reports of Ibn ‘Umar and Ibn ‘Abbās. Imâm Muḥammad in *Muwaṭṭā’* says the same. When Ibn ‘Umar intended to stay for fifteen days, he would say full prayers.

Chapter 86

WHEN THE TRAVELLER LEADS IN PRAYER OR WHEN HE OFFERS PRAYER BEHIND AN *IMĀM*

(341) 'Abd Allah b. 'Umar reported that when 'Umar b. al-Khaṭṭāb arrived at Mecca from Medina, he said two *rak'ahs* with the congregation and then said: O people of Mecca, complete your prayer, for we are travellers.

(342) Nāfi' reported that 'Abd Allah b. 'Umar used to say four *rak'ahs* at Minā behind the *imūm* and when he said his prayer alone he said only two *rak'ahs.*

(343) Ṣafwān b. 'Abd Allah b. Ṣafwān said: When 'Abd Allah b. 'Umar visited 'Abd Allah b. Ṣafwān to enquire after his health, he conducted only two *rak'ahs* and turned in salutation. After that we got up and completed our prayer.

Chapter 87

SUPEREROGATORY PRAYER DURING THE NIGHT AND DAY ON A JOURNEY AND ON THE BACK OF AN ANIMAL

(344) 'Abd Allah b. 'Umar did not offer supererogatory prayer with the *farḍ* in travel, neither before the *farḍ* nor after it; but at midnight either on the ground, or sometimes on the camel itself, even though it was not facing the *qiblah.*[94]

(345) It reached Mālik that Qāsim b. Muḥammad and 'Urwah b. Zubair and Abū Bakr b. 'Abd al-Raḥmān offered supererogatory prayers during travel.

(346) Nāfi' said: 'Abd Allah b. 'Umar would see his son 'Ubaid Allah saying supererogatory prayers in travel, but he did not restrain him.

(347) 'Abd Allah b. 'Umar narrated: I saw the Apostle of Allah (may peace be upon him) saying his prayer on the back of an ass and his face was towards Khaibar.

94. *Sunnats* are usually not offered in travel except at morning prayer and one *rak'ah* of witr

(348) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) used to say his prayers on camel-back in the course of travel and whichever side the camel turned its face he turned too. 'Abd Allah b. Dīnār said that 'Abd Allah b. 'Umar acted likewise.[95]

(349) Yaḥyā b. Sa'īd reported: I saw Anas b. Mālik saying his prayer in travel on the back of an ass and his face was not towards the *qiblah*. He performed his *rukū'* and *sajdah* by signs without resting his face on anything.[96]

Chapter 88

PRAYER OF *CHĀSHT* OR *ISHRĀQ* (FROM SUNRISE UNTIL NOON)

(350) Umm Hānī, daughter of Abū Ṭālib, narrated: In the year of the Conquest (of Mecca), the Apostle of Allah (may peace be upon him) said eight *rak'ahs* of *chasht*, wearing one piece of cloth.

(351) Umm Hānī, daughter of Abū Ṭālib, narrated: I went to the Apostle of Allah (may peace be upon him) in the year of the Conquest (of Mecca) and saw him taking a bath, and his daughter Fāṭimah screening him with a cloth. I greeted him and he asked: Who is it? I replied: Umm Hānī, daughter of Abu Ṭālib. He said: Happiness be to Umm Hānī! After the bath he stood up and said eight *rak'ahs* wearing one piece of cloth. After he finished the prayer, I said: Apostle of Allah, the son of my mother, 'Alī, says: I shall kill the person whom you have given refuge. That person is such and such a son of Hubairah. The Apostle of Allah (may peace be upon him) said: No. We have given refuge to the person whom you have given refuge, O Umm Hānī.[97] Umm Hānī said that it was the time of *chāsht*.

(352) 'Ā'ishah, wife of the Prophet (may peace be upon him), narrated: I never saw the Apostle of Allah (may peace be upon him) saying

95. This must have been a supererogatory prayer, for *farḍ* prayer without sufficient cause is not allowed on the back of an animal.

96. Bukhārī and Muslim added that Anas said: If I had not seen the Apostle of Allah (may peace be upon him) doing so, I would not have done so.

97. By this Tradition we come to know of the eight *rak'ahs* of *ḍuḥā*. It is also learnt that a woman too can give refuge to people.

the *chāsht* prayer. But I say it. It was the custom of the Apostle of Allah (may peace be upon him) that he held dear a certain mode of action, but did not persist in it lest the people should start doing it and it might become obligatory.

(353) 'Ā'ishah, Mother of the Believers, used to say the eight *rak'ahs* of the ḍuḥā prayer and then say: If my father and mother should come back to life (instead), I would not abandon it.

(354) Anas b. Mālik reported : My maternal gradmother Mulaikah invited the Apostle of Allah (my peace be upon him) to a meal. He ate his food and said : Stand up, so that I may say a prayer for you. Anas said that he stood up with a mat which had grown black with constant use and wetted it with water and the Apostle of Allah (may peace be upon him) stood on it and an orphan stood in a row behind him and the old lady (stood) behind us. The Apostle of Allah (may peace be upon him) said two *rak'ahs* and departed.[98]

(355) 'Abd Allah b. 'Utbah b. Mas'ūd reported: I went to 'Umar b. al-Khaṭṭāb when it was hot and found him saying supererogatory prayer. I made up my mind to stand behind him, but he drew me near and made me stand close by him on the right side. When Yarfā'[99] came to join us, I went behind and formed a row with Yarfā'.

Chapter 89

PASSING IN FRONT OF A PRAYING MAN

(356) Abū Sa'īd al-Khudrī narrated : The Apostle of Allah (may peace be upon him) said: When any of you is in prayer, he should not allow anybody to pass in front. If one should desire to do so, restrain him by a sign; if he still persists, prohibit him loudly, for he is a devil.

98. The invitation was after sunrise, and hence this prayer is considered to be *ḍuḥā* prayer. This tradition has enriched our information with regard to various points, such as to accept a woman's invitation, to say prayer on an old mat of which it is not known whether it is clean or unclean to say supererogatory prayers in congregation, and to stand in row of one man and a boy, of woman standing behind men in prayer.

99. Yarfā' was the attendant of 'Umar b. al-Khaṭṭāb. The above *ḥadith* shows that supererogatory prayer can be offered in congregation.

(357) Abū Juhaim reported : The Apostle of Allah (may peace be upon him) said that if a man passing in front of a man in prayer knew the extent of his transgression, he would feel that standing on one's legs for forty (days or months or years) would be a light punishment. Abū Naḍr doubts this account.

(358) 'Aṭā' b. Yasār stated : Ka'b al-Aḥbār said that should a man passing in front of a man in prayer understand the extent of his transgression, he would prefer by contrast to be buried alive.

(359) Nāfi' reported : 'Abd Allah b. 'Umar never passed in front of anybody in prayer, nor did he allow anybody to pass in front of him.

Chapter 90

PERMISSION TO PASS IN FRONT OF A PRAYING MAN

(360) 'Abd Allah b. 'Abbās reported : I arrived riding on a she-ass and (then) was approaching the age of maturity. The Apostle of Allah (may peace be upon him) was conducting congregational prayer at Minā. I passed in front of a part of the row, then dismounted and left the she-ass ; she began grazing and I joined the row. After prayer none found fault with me.

(361) It reached Mālik that Sa'd b. Abī Waqqāṣ used to pass in front of the rows in prayer.

(362) It reached Mālik that 'Alī b. Abū Ṭālib used to say that (even though) anything may pass in front of those in prayer, (yet) the prayer is not affected.

(363) Sālim b. 'Abd Allah reported : 'Abd Allah b. 'Umar used to say that if anything should pass in front of those in prayer, the prayer is not affected.

Chapter 91

SUTRAH IN TRAVEL

(364) It reached Mālik that 'Abd Allah b. 'Umar used to make *sutrah* of his camel when he said his prayers while on journey.

(365) Hishām b. 'Urwah reported that his father used to say his prayer in the desert without ony *sutrah.*

Chapter 92

MOVING OF GRAVEL IN PRAYER

(366) Abū Ja'far Qārī reported : I saw 'Abd Allah b. 'Umar who, when he bowed down for *sajdah*, used to move aside gravel from the place of his *sajdah*.

(367) Yaḥyā b. Sa'īd reported : I learnt that Abū Dharr used to say that moving of gravel is proper for once and not moving is better than red camels.

Chapter 93

FORMING THE RANKS

(368) Nāfi' reported : 'Umar b. al-Khaṭṭāb used to order the congregation to form into rows and it was when they reported that they were arrayed in proper rows that he would say the *takbīr*.

(369) Mālik b. Abī 'Āmir Aṣbaḥī reported : I was with 'Uthmān b. 'Affān when the *takbīr* for prayer was said and I was then speaking to him and asking him to sanction some (pension) for me. He was in the meanwhile levelling the gravel with his shoes, until the men appointed to form the congregation into rows arrived and reported that the men were properly arrayed in rows. He thereupon asked me to join the rows and then said the *takbīr*.

Chapter 94

PLACING THE RIGHT HAND OVER THE LEFT IN PRAYER

(370) 'Abd al-Karīm b. Abil-Mukhāriq Baṣrī reported : Of the things of the time of the Holy Prophet (may peace be upon him) were that if you have no shame, you may do what you like : in prayer, keep your right hand over the left ; break your fast early and delay in eating the *saḥrī*.

(371) Sahl b. Sa'd Sā'idī reported : People used to be ordered to keep their right hands over their left wrists in prayer. Abū Ḥāzim said : I do not know whether this tradition is traced to the Apostle of Allah (may peace be upon him).

Chapter 95

TO RECITE *QUNŪT* IN FAJR PRAYER

(372) Nāfi' reported : 'Abd Allah b. 'Umar did not recite *qunūt* in any prayer.

Chapter 96

PRAYER AND THE CALL OF NATURE

(373) 'Urwah b. Zubair reported : 'Abd Allah b. Arqam used to conduct prayers amongst the Companions. One day when everything was ready for prayer, he went out to answer the call of nature and returned and said : I heard the Apostle of Allah (may peace be upon him) say : If any of you feels the need to answer the call of nature, first do it and then say your prayer.

(374) Zaid b. Aslam reported on the authority of 'Umar b. al-Khaṭṭāb who ordered that he who is pressed by call of nature should not restrain it to say his prayers.

Chapter 97

WAITING FOR PRAYER

(375) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said that the angels pray for the man who sits in his place[100] after saying his prayer until his ablution becomes void. They say : O Lord ! forgive him, and O Lord ! be merciful unto him.

(376) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said that that man continues in prayer whom prayer keeps from returning to his family.

(377) Sumayy, freedman of Abū Bakr b. 'Abd al-Raḥmān, used

100. Waiting for the next prayer.

to say that the man who went to the mosque in the morning or in the afternoon to learn or teach something good and then returned home is like the fighter in the cause of the Lord who returns laden with spoils.

(378) Abū Hurairah used to say: Amongst you whoever should say his prayer and (continue to) sit on the prayer-mat, the angels pray for him: O Lord! forgive him, O Lord! be merciful to him. If he rose up from the place and continued to sit in the mosque waiting for prayer, he would still be deemed to be in prayer until the time comes for him to say it.

(379) Abū Hurairah reported: The Apostle of Allah (may peace be upon him) said: Shall I not show you that wherewith the Lord pardons sins and enhances the degree—it is to complete the ablution at the time of trouble,[101] to take long and many steps to reach the mosque,[102] to wait for another prayer after one is over—this is *ribāṭ*, this is *ribāṭ*, this is *ribāṭ*.[103]

(380) It reached Mālik that Sa'īd b. al-Musayyab reported: He who leaves the mosque after the call for prayer, and has no intention of coming back, is a hypocrite.

Chapter 98

ENTERING A MOSQUE

(381) Abū Qatādah Anṣārī reported: The Apostle of Allah (may peace be upon him) said that if any amongst you should enter a mosque, he should say two *rak'ahs* before sitting down.

(382) Abū Naḍr, freedman of 'Umar b. 'Ubaid Allah, reported that Abū Salamah b. 'Abd al-Raḥmān told him: I do not see your master (i.e. 'Umar b. 'Abd Allah) chanting the prayer on entering the mosque and then sitting down without offering two *rak'ahs*. He used to accuse those who sat down without saying the two *rak'ahs* at

101. I.e. to wash limbs for *wuḍū'* according to the *Sunnah* without decrease during difficult times on account of severe cold or sickness.

102. Banī Salamah had to come to the mosque from a long distance. They therefore intended to take up residence near the Prophet's Mosque. The Prophet (may peace be upon him) said to them: You keep to your houses; your steps are counted in your favour.

103. *Ribāṭ*—waiting for the enemy in a trench.

the entrance to the mosque.

Chapter 99

SAJDAH

(383) Nāfi' reported : Whenever 'Abd Allah b. 'Umar prostrated, he used to keep his palms on the object on which he performed his *sajdah*. Nāfi' said : I saw 'Abd Allah b. 'Umar in the severest cold taking out his two palms from his cloak and putting them on the gravelly earth.

(384) Nāfi' reported : 'Abd Allah b. 'Umar used to say that he who kept his forehead on the ground should place his palms also on it and, when raising his face, he should raise his palms too, for the hands as well as the face perform the *sajdah*.

Chapter 100

LOOKING ASIDE OR CLAPPING HANDS AT NECESSITY IN PRAYER

(385) Sahl b. Sa'd al-Sā'idī reported : The Apostle of Allah (may peace be upon him) visited Banī 'Amr b 'Auf to arbitrate (for two of them were throwing stones at each other in a quarrel) and the time came for prayer. The *mu'adhdhin* came and said to Abū Bakr Ṣiddiq: If you lead the prayer, I shall say the *takbīr*. He agreed and started the prayer. The Apostle of Allah (may peace be upon him) returned when the people were saying their prayer. He made his way through the rows and went and stood in the first row. The people clapped their hands, but Abū Bakr, in prayer, never paid attention to anything. They clapped louder. Then Abū Bakr saw the Apostle (may peace be upon him), but the Apostle (may peace be upon him) signed to him to remain where he was. Abū Bakr then lifted both his hands and thanked the Lord that the Apostle (may peace be upon him) had ordered so. Then Abū Bakr moved back until he joined the row and the Apostle of Allah (may peace be upon him) went forward and finished the prayer. The Apostle (may peace be upon him) then asked : Abū Bakr ! why did you not stay in your place when I signed to you ? Abū Bakr replied :

Does it be fit the son of Abū Quḥāfah to lead the prayer in the presence of the Apostle of Allah ! The Apostle (may peace be upon him) then said : I saw a large number of you clapping. If a man should want to point to anything in prayer, he should say *Subḥān Allāh* ; the *imām* will look that way. Clapping hands is the way of women.

(386) Nāfi' reported : 'Abd Allah b. 'Umar did not look sideways in prayer.

(387) Abū Ja'far Qārī reported : I was saying my prayers and 'Abd Allah b. 'Umar was behind me. I was not aware. I looked at him but he restrained me.

Chapter 101

IMĀM IN *RUKŪ'*

(388) Abū Umāmah b. Sahl b. Ḥanīf reported : Zaib b. Thābit arrived in the mosque and found the *imām* in *rukū'*. He then performed the *rukū'* and walking slowly joined the rows.

(389) It reached Mālik that 'Abd Allah b. Mas'ūd used to walk slowly in *rukū'* in order to join the rows.

Chapter 102

DARŪD SHARĪF

(390) Abū Ḥumaid Sā'idī reported : The Companions asked the Apostle of Allah (may peace be upon him) : How shall we offer *darūd* to you ? He replied : Say :

اَللّٰهُمَّ صَلِّ عَلٰى مُحَمَّدٍ وَّاَزْوَاجِهٖ وَذُرِّيَّتِهٖ كَمَا صَلَّيْتَ عَلٰٓى اِبْرَاهِيْمَ وَبَارِكْ عَلٰى مُحَمَّدٍ وَّاَزْوَاجِهٖ وَ ذُرِّيَّتِهٖ كَمَا بَارَكْتَ عَلٰٓى اِبْرَاهِيْمَ اِنَّكَ حَمِيْدٌ مَّجِيْدٌ ۔

(391) Abū Mas'ūd Anṣārī reported : The Apostle of Allah (may peace be upon him) came to us at the house of Sa'd b. 'Ubādah. Bashīr b. Sa'd spoke to him : Apostle of Allah, the Lord has ordered us to offer *darūd* to you. How shall we do that ? He was silent so long that we began to think : Would that we had not asked him the question. He then spoke : Say :

اَللّٰهُمَّ صَلِّ عَلٰى مُحَمَّدٍ وَّ عَلٰٓى اٰلِ مُحَمَّدٍ كَمَا صَلَّيْتَ عَلٰٓى اِبْرَاهِيْمَ وَبَارِكْ عَلٰى مُحَمَّدٍ وَّعَلٰٓى اٰلِ مُحَمَّدٍ كَمَا بَارَكْتَ عَلٰٓى اِبْرَاهِيْمَ فِى الْعَالَمِيْنَ اِنَّكَ حَمِيْدٌ مَّجِيْدٌ ۔

and send *salām* according to the method you already know.[104]

(392) 'Abd Allah b. Dīnār reported: I saw 'Abd Allah b. 'Umar standing at the tomb of the Apostle of Allah (may peace be upon him) and offering *darūd* to him and to Abū Bakr and 'Umar.

Chapter 103

MISCELLANEOUS *AḤĀDĪTH* REGARDING PRAYER

(393) Ibn 'Umar reported: The Apostle of Allah (may peace be upon him) used to say two *rak'ahs* before ẓuhr and two *rak'ahs* after it and two *rak'ahs* after maghrib and 'ishā' in his house. He never said the two *rak'ahs* after the Friday prayer in the mosque but said the *rak'ahs* on reaching home.[105]

(394) Abū Hurairah reported: The Apostle of Allaḥ (may peace be upon him) said: You see my face turned towards the *qiblah* but, by the Lord, your concentration and devotion in prayer and your *rukū'* are not hidden from me; I see you from my back.

(395) Ibn 'Umar reported: The Apostle of Allah (may peace be upon him) used to arrive at Qubā' both riding and on foot.

(396) Nu'mān b. Murrah reported: The Apostle of Allah (may peace be upon him) (before receipt of the Divine Commands in this respect) asked: What is your opinion about him who drank wine, committed theft and adultery? The Companions said that Allah and His Apostle knew better. He said: These are evil deeds and punishment for them is sure. He then added: The worst of thefts is the theft of prayer. The Companions asked as to what was meant by a thief of paryer. He said that the thief of prayer was he who did not fully observe *rukū'* and *sajdah*.

(397) 'Urwah b. Zubair reported: The Apostle of Allah (may peace be upon him) said: Observe a part of your prayer in your houses.

(398) Nāfi' reported: 'Abd Allah b. 'Umar used to say that if a sick man did not have the strength to perform *sajdah*, he should make

104. Viz. :

105. The total number of *sunnats* during the day and night are twelve : before fajr two, before ẓuhr four, after ẓuhr two, after maghrib two and after 'ishā' two.

sign with his head, but nothing elevated should be kept before his forehead.

(399) Rabī'ah b. Abī 'Abd al-Raḥmān reported : When 'Abd Allah b. 'Umar used to arrive in the mosque and found that congregrational prayer was over, he would say the *farḍ* and would not say anything prior to it (*farḍ*).

(400) Nāfi' reported: 'Abd Allah b. 'Umar passed by a man who was offering prayer. He greeted him and the man replied in words. 'Abd Allah b. 'Umar turned back and told him: If anyone greets you and you are in prayer, do not reply by word of mouth, but sign with your hand.

(401) Nāfi' reported : 'Abd Allah b. 'Umar used to say that if a man forgot his prayer and remembered it when he offered his next prayer with the *imām*, then after the *imām* offers the salutation he should complete the prayer he forgot and repeat the prayer said with the *imām*.

(402) Wāsi' b. Ḥabbān reported: I was saying my prayer and 'Abd Allah b. 'Umar was sitting with his back to the wall of the *qiblah*. When I finished my prayer, I went to him by the left, and he asked: Why did you not come by the right ? I answered: Having seen you I came to you. 'Abd Allah said: You did well. A man said: Keep to the right, but when you have said your prayer, turn by whichever side you like, by the right or by the left.

(403) 'Urwah b. Zubair reported: A man from amongst the *Muhājirīn* enquired of 'Abd Allah b. 'Amr b. al-'Āṣ: Shall I say my prayer at the place where the camels sit. He said: No, but you may say it at the sheepfold.

(404) Sa'īd b. al-Musayyab asked in which prayer one had to sit after every *rak'ah*, and then Sa'īd (himself) said: It is the maghrib prayer when one *rak'ah* is missed.[106]

(405) Abū Qatādah Anṣārī reported: The Apostle of Allah (may peace be upon him) was praying and carrying (on his back) Umāmah, the daughter of Zainab, the daughter of the Apostle of Allah (may

106. Whatever has been missed in congregational prayer should be deemed the last portion of that prayer. Whatever has been gained in congregational prayer should be deemed the first portion.

the daughter of Zainab, the daughter of the Apostle of Allah (may peace be upon him) and Abū al-'Āṣ b. Rabī'ah b. 'Abd al-Shams. When he prostrated, he would seat her by his side and, when he rose, he took her up again.

(406) Abū Hurairah reported: Allah's Messenger (may peace be upon him) said: The angels come to you and go, some by night and some by day, and they collect together at the time of 'aṣr and fajr prayers. The angels that are with you at night mount up and are questioned by the Creator, Who knows better, how His creatures were left by them. The angels reply: We left them in prayer and when we went to them, they were at prayer even then.

(407) 'Ā'ishah, wife of the Holy Prophet (may peace be upon him) reported: The Apostle of Allah (may peace be upon him) (in his last illness) delcared that the people should ask Abū Bakr to lead the prayer. 'Ā'ishah said: Apostle of Allah, if Abū Bakr should stand in your place, he will weep and weep so much that the people would hardly hear anything. Ask, therefore, 'Umar to lead the congregational prayer. He said: Ask Abū Bakr to lead the prayer. 'Ā'ishah then asked Ḥafṣah to speak to the Apostle of Allah (may peace be upon him) and say: If Abū Bakr should stand in your place, he will weep and weep so much that the people would hardly hear anything; do therefore ask 'Umar to lead the prayer. Ḥafṣah spoke accordingly. The Apostle of Allah (may peace be upon him) said: You are the companions of Joseph; ask Abū Bakr to lead the congregational prayer. Ḥafṣah told 'Ā'ishah: I have not received good from you.

(408) 'Ubaid Allah b. 'Adī b. al-Khiyār reported: The Apostle of Allah (may peace be upon him) was sitting amongst men when a man came and whispered something in his ear. We did not know what he was saying until Allah's Apostle (may peace be upon him) cried out loudly and then we knew that he was asking permission of the Apostle of Allah (may peace be upon him) to slay a man of the hypocrites. The Apostle of Allah (may peace be upon him) asked him: Does not the man witness there is no god but one God and Muḥammad is His Messenger? The man said: Yes, why not, but his

attestations are not worthy of reliance. The Apostle of Allah (may peace be upon him) asked: Does he not pray? He answered: Yes, why not, but his prayer is not to be trusted. The Apostle of Allah (may peace be upon him) said: Allah has prohibited me from slaying such persons.

(409) 'Aṭā' b. Yasār reported: The Apostle of Allah (may peace be upon him) pleaded: O Lord, do not make my tomb an idol that people should worship it. Great is the wrath of Allah on those who have turned the tombs of their Prophets into places of worship.

(410) Maḥmūd b. Labīd al-Anṣārī reported: 'Itbān b. Mālik used to lead the prayer amongst the people of his tribe and his eyesight was weak. He said to the Apostle of Allah (may peace be upon him): Sometimes it is dark, sometimes it rains and sometimes the stream flows. My eyesight is defective, Apostle of Allah. Say prayer in some place in my house so that I may fix it as my place of prayer. The Apostle of Allah (may peace be upon him) went to his house and said: Show me the place you want me to pray upon. He pointed to a place within his house and the Apostle of Allah (may peace be upon him) said his prayer there.

(411) 'Abd Allah b. Zaid b. 'Āṣim reported that he saw the Apostle of Allah (may peace be upon him) lying flat on his back in the mosque and one foot of his was on the other.

(412) Sa'īd b. al-Musayyab reported: 'Umar b. al-Khaṭṭāb and 'Uthmān b. 'Affān did likewise (that is, lay flat on the back with crossed legs).

(413) Yaḥyā b. Sa'īd reported: 'Abd Allah b. Mas'ūd said to a man: You live in an age where the jurists are many, but the mere reciters are few, when compliance is found with the commands laid down in the Qur'ān and words are wasted but little, the enquiries are few and the answers many, beggars are few and the givers many, when prayers are lengthened and sermon is shortened, good actions are preferred to personal desires. A time will come when jurists will be few and mere reciters many, when the words of the Holy Qur'ān will be memorised but actions will not be harmonised with the orders contained therein, when the beggars and enquirers will be many and

the givers and answerers few, when the sermons would be lengthened and the prayers shortened, when desires would be predominant and actions lag behind.

(414) Yaḥyā b. Sa'īd reported : On the Day of Resurrection prayer will be first scrutinised and when that should be found worthy, then actions thereunder will be investigated, otherwise no act will be looked into.

(415) 'Ā'ishah, wife of the Holy Prophet (may peace be upon him), reported : The Apostle of Allah (may peace be upon him) liked that action best which a man always liked to do.

(416) Sa'd b. Abī Waqqāṣ reported that there lived two brothers during the time of the Apostle of Allah (may peace be upon him). One of them died forty days before the demise of the other. The people praised him who died earlier. The Apostle of Allah (may peace be upon him) asked : Was not the other a Muslim ? They answered : Yes, he was a Muslim too; he too was not bad. The Apostle of Allah (may peace be upon him) declared : You are not aware as to what place the prayer of the other had lifted him to. Prayer is like a river of fresh water, very deep. It flows by one's threshold and men dip into it five times. Would it leave any dirt on him? What knew you, then, of the status reached by the other?

(417) It reached Mālik that whenever 'Aṭā' b. Yasār saw anybody selling his wares in the mosque he used to call him and ask : What have you got and what do you want for it? If he wished that he wanted to sell, he would answer : Go then the way to the market of this world, for here is the market of the Hereafter.

(418) It reached Mālik that 'Umar b. al-Khaṭṭāb set up a place in a corner of the mosque and it was called *Buṭaiḥā'*. He announced that whoever wished to gossip or recite poems or shout out he should go there.

(419) Ṭalḥah b. 'Ubaid Allah reported : A dweller of Najd came to the Apostle of Allah (may peace be upon him). The hair of his head wer ruffled, his voice hummed, but what he spoke was not intelligible. He then came near and asked the meaning of Islām. The Apostle of Allah (may peace be upon him) answered : The saying of

prayer five times during the day and night. He asked : Should I have to say any prayer in addition? The Apostle of Allah (may peace be upon him) said : None, but if thou desirest to say the *nafls*, say them, and the Apostle of Allah (may peace be upon him) added : Thou shalt fast in the month of Ramaḍān. He asked : Shall I have to fast in addition to these? The Apostle of Allah (may peace be upon him) answered : Nay, but if thou inclinest to give, thou mayest. The man then turned his back and went away saying : I would not add anything to this nor diminish anything. The Apostle of Allah (may peace be upon him) declared : If he speaks true, he will prosper.

(420) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said : When a man sleeps, Satan ties three knots on the back of his neck and while tying each says : There is plenty of night yet, sleep. If the man wakes up and remembers his devotion to his Lord, one of the knots unties ; when he performs the ablution, the second knot is disengaged and when he says his morning prayer, the third knot is undone and the man passes his day in lightness and happiness of heart, otherwise there is evil and sluggishness for him.

Chapter 104

BATHS AT THE OCCASIONS OF 'IDS

(421) Nāfi' reported : 'Abd Allah b. 'Umar used to bathe on the day of the 'Īd al-Fiṭr before proceeding to the '*īdgāh*.

Chapter 105

TO SAY 'ĪD PRAYERS BEFORE THE USUAL SERMON

(422) Ibn Shihāb reported : The Apostle of Allah (may peace be upon him) used to say the 'Īd al-Fiṭr and 'Īd al-Aḍḥā prayers before the sermon.

(423) It reached Imām Mālik that Abū Bakr and 'Umar b. al-Khaṭṭāb acted likewise.

(424) Abū 'Ubaid, freedman of Ibn Azhar reported : I accompanied 'Umar b. al-Khaṭṭāb to (celebrate) 'Īd. 'Umar then said the prayer and followed it up by the sermon and said : These two days are the ones when the Apostle of Allah (may peace be upon him) prohibited

fasting. On the 'Īd al-Fiṭr day you stop fasting and the other day (of 'Id al-Aḍḥā) is the day when you eat the sacrificial meat.

Abū 'Ubaid reported that he accompanied 'Uthmān b. 'Affān on the 'Id day. He came and said the prayer and thereafter delivered the sermon and said: Today are two 'Īds—'Id al-Fiṭr and Friday. A man from the suburbs may stay for Friday and he who wishes to go may go.

Abū 'Ubaid reported that he attended the 'Id in company with 'Alī b. Abī Ṭālib, and 'Uthmān b. 'Affān was besieged (in his house by the rebels). He ('Alī) led the prayer and then delivered the sermon.

Chapter 106

ON EATING SOMETHING BEFORE PROCEEDING TO OFFER 'ID AL-FIṬR

(425) 'Urwah b. al-Zubair used to eat on the day of 'Id al-Fiṭr before proceeding for prayer.

(426) Sa'īd b. al-Musayyab reported that people used to be ordered to eat before proceeding for ('Id) prayer.[107]

Chapter 107

TAKBĪR ON THE 'ĪDS AND RECITATION (OF THE QUR'ĀN)

(427) 'Ubaid Allah b. 'Abd Allah b. 'Utbah b. Mas'ūd reported that 'Umar b. al-Khaṭṭāb asked Abū Wāqid al-Laithī what *sūrahs* the Apostle of Allah (may peace be upon him) used to recite in 'Id al-Aḍḥā and 'Īd al-Fiṭr, and he answered: Sūrahs Qāf and Qamar.[108]

(428) Nāfi', freedman of 'Abd Allah b. 'Umar, reported: I offered the 'Īd al-Fiṭr and 'Id al-Aḍḥā prayers with Abū Hurairah. He said seven *takbīrs* in the first *rak'ah* before recitation and five *takbīrs* in the

107. Imām Mālik said: I do not find eating necessary before prayer on the occasion of 'Īd al-Aḍḥā. Tirmidhī and Ḥākim report from Burīdah that the Apostle of Allah (may peace be upon him) did not eat anything on the 'Īd al-Aḍḥā.

108. Most versions point to Sūrahs A'lā and Ghāshiyah.

second *rak'ah* before recitation.[109]

Chapter 108

NOT TO OFFER SUPEREROGATORY (*NAFL*) PRAYER BEFORE AND AFTER 'ID PRAYER

(429) Nāfi' reported: 'Abd Allah b. 'Umar did not say supererogatory prayers before or after 'Īd prayer.

(430) It reached Mālik that Sa'īd b. al-Musayyab used to proceed to *'īdgāh* after morning prayer before sunrise.

Chapter 109

PERMISSION TO OFFER SUPEREROGATORY PRAYER BEFORE AND AFTER 'ID PRAYER

(431) 'Abd al-Raḥmān b. al-Qāsim reported that his father Qāsim (b. Muḥammad) used to say four supererogatory *rak'ahs* before proceeding to the *'īdgāh*.

(432) 'Urwah b. Zubair reported that he used to say supererogatory prayer in the mosque before[110] the 'Id prayer.

Chapter 110

THE PRAYER OF FEAR

(433) It is reported by a man who said his prayer of fear with the Apostle of Allah (may peace be upon him) in the Battle of Dhāt al-

109. If the 'Īd prayer is missed, Imām Mālik says that it should not be said. If one, however, says there is no harm. He may do it at *'idgāh* or at home. He should say four *rak'ahs*. According to Abū Ḥanīfah, the 'Īd prayer is obligatory, but according to Imām Mālik, the 'Īd prayer is *sunnat*.

110. At the mosque of his locality before going to *'idgāh*. Mālik says that the *sunnat* about which there is no difference of opinion is that the *imām* should leave his house for 'Īd al-Fiṭr and 'Īd al-Aḍḥā so that by the time he reaches the *'idgāh*, it should be time for prayer.

Mālik says that the person who said his 'Īd al-Fiṭr prayer with the *imām* should not leave until after listening to the sermon. He should turn back when the *imām* turns back.

Riqā', that some persons stood up with the Apostle of Allah (may peace be upon him) for prayer and others faced the enemy. The Apostle of Allah (may peace be upon him) offered one *rak'ah* and stood waiting, while the people finished their prayer and went away and those who were facing the enemy came to attend the prayer and with the Apostle of Allah (may peace be upon him) offered the second *rak'ah* and sat until they had said the second *rak'ah* and he offered the salutation with them.

(434) Sahl b. Abū Ḥathmah Anṣārī reported that the procedure of the prayer of fear is in this wise. The *imām* should stand for prayer with some men, while the others face the enemy. The *imām* should say one *rak'ah* and prostrate. After the prostration, the *imām* should stand up and keep standing while the congregation complete the remaining *rak'ah* and go away and face the foe, and those who were in the fight arrive, say the *takbīr taḥrīmah* and join the *imām*. The *imām* should then complete the (remaining) *rak'ah* and turn in salutation, while the second congregation should stand up and finish the two *rak'ahs* and offer salutation.

(435) Nāfi' reported that when 'Abd Allah b. 'Umar was asked about the prayer of fear he answered that the *imām* should advance (for conducting the prayer) and a group of men should say one *rak'ah* behind him. Another group will station in between this group and the enemy and will not join the prayer. When the (first) group finishes one *rak'ah* it will go without offering salutation in order to release those who had not yet said their prayer. These will now say one *rak'ah* behind the *imām* who (at its end) will go away for he should have performed two *rak'ahs*. And thus turn by turn each group will come to finish the two *rak'ahs* after the departure of the *imām*. Each of these groups will complete their two *rak'ahs*. If the fear should grow intense, the prayer should be said standing by the infantry men and by the cavalrymen on their sides, facing or not facing the *qiblah*.

(436) Sa'id b. al-Musayyab reported: The Apostle of Allah (may peace be upon him) did not say the ẓuhr and 'aṣr prayers on the day of *Khandaq* (Ditch) until sunset.

Chapter 111

THE PRAYER OF THE ECLIPSE

(437) 'Ā'ishah, wife of the Holy Prophet (may peace be upon him), reported that there was an eclipse of the sun during the lifetime of the Apostle of Allah (may peace be upon him). The Apostle of Allah (may peace be upon him) then said a public prayer. He stood for a long time and bent in *rukū'* for a long time, then stood straight for a long time, but lesser than before, then bent in *rukū'* for a long time but for a lesser time than the first *rukū'*, then raised his head from the *rukū'*, then prostrated. In the second *rak'ah* the same procedure was repeated. When the prayer was ended, the sun was bright. He then delivered the sermon, praised the Lord and said: The sun and moon are both signs of the Creator. The eclipse is not connected with the life and death of anybody.[111] Hence, if you see the eclipse, pray to your Lord and say the *takbīr* and give *ṣadaqah*. He added : O *Ummah* of Muḥammad, none is more ashamed than the Lord if any creature of His, man or woman, commits adultry. O *Ummah* of Muḥammad, if you but knew what I know, you would laugh little and weep much.

(438) 'Abd Allah b. 'Abbās reported that when the sun was eclipsed the Apostle of Allah (may peace be upon him) said a prayer with the people. He stood for a long time as long as (would take) to recite Sūrah Baqarah. Then he bent down in *rukū'* for a long time, then raised his head and stood for a long time but for a shorter time than before, then bent in *rukū'* for a long time, but shorter than the previous *rukū'*, then prostrated, and stood up for a long time, but a little less than before, then bent in *ruku'* for a long time but shorter than the first *rukū'*, then raised his head and stood for a long time, but for a lesser time than the first standing, then bent in a long *rukū'* but shorter than previously, and then prostrated and thus finished the prayer. The sun had by now become bright. The Apostle of Allah (may peace be upon him) then spoke and said : The sun and the

111. By saying this, the Holy Prophet (may peace be upon him) refuted those who said that the sun was eclipsed on account of the death of his son. Ibrāhīm

moon are two signs from amongst the signs of Allah. They are not eclipsed to denote life or death of anybody. When you see the eclipse, remember Allah. They said: We saw that in the course of prayer you moved forward as if to take something, then moved back. He replied . I saw heaven and wanted to take a bunch therefrom. If my hand had reached it, you could have eaten of it till the end of the world, and I saw the fire of such dreadful aspect as I had never witnessed before and there I found women in a majority. They asked: Why was it so, Apostle of Allah? He replied : For the disbelief of women. They asked : What sort of disbelief theirs was, and he answered : Disbelief in Allah and disbelief in their relatives and disbelief in favours. If you treat a woman with favour all the time and thereafter she were to see something averse, she would say : I received no good from you—no, never.

(439) 'Ā'ishah, wife of the Holy Prophet (may peace be upon him), reported : A Jewish woman came begging and said : May Allah protect you from the torment of the grave ! 'Ā'ishah asked the Apostle of Allah (may peace be upon him): Will people suffer torment in their graves? He said : I seek refuge from Allah from this torment. He then rode out one day and there was an eclipse of the sun. He returned from behind the rooms and stood up for prayer and men stood behind him. He stood for a long time, then bent in *rukū'* for a long time, then raised his head and stood for a long time, but for a shorter time than before, then bent in *rukū'* for a long time, but briefer than the first *rukū'*, again raised his head and prostrated, then stood up again for a long time, but for a shorter while than previously, then bent in a long *rukū'* but shorter than before, then raised his head and stood for a long time, but lesser than previously, then bent in *rukū'* for a long time, but shorter than the first *rukū'*, then raised his head and prostrated. After prayer he spoke as Allah willed and ordered them to seek refuge in Allah from the torment of the grave.

(440) Asmā', daughter of Abū Bakr, reported : I went to 'Ā'ishah, wife of the Apostle of Allah (may peace be upon him), when the sun was eclipsed and saw men praying and 'Ā'ishah too was praying. I

said : What has happened to these people ? 'Ā'ishah pointed with her hand towards the sky and said : *Subḥān Allāh.* I asked whether it was a sign. She nodded with her head. I then also stood until I felt as if I were fainting and so I began pouring water over my head. The Apostle of Allah (may peace be upon him) praised Allah and adored Him and said : I have seen here today a thing that I had not seen before. I saw even Heaven and the Fire. It has been revealed to me that you will be tried in your graves in a manner akin to the trial of the Dajjāl.—It is not clear here what Asmā' said.—Come to him. It will be asked : What do you think of this man who has faith and conviction ?—It is not known what Asmā' said—he will answer : This man is Muḥammad the Messenger of Allah. He has come to us with clear signs and instructions. We, therefore, accepted him and believed in him and followed him. Upon this it will be said : Sleep well, we knew beforehand that you are a believer—and the hypocrite and he who doubts the Message—it is not known what Asmā' said—he will say : I do not know what the people say. I have said what was spoken.

Chapter 112

PRAYER OF DROUGHT

(441) 'Abd Allah b. Zaid Māzinī reported : The Apostle of Allah (may peace be upon him) set out for the prayer of drought and reversed his cloth when he turned his face to the *qiblah.*

(442) 'Amr b. Shu'aib reported : Whenever the Apostle of Allah (may peace be upon him) prayed for rain, he would say : O Allah, grant water to Thy men, Thy animals and scatter Thy mercy and give life to the dead land.

(443) Anas b. Mālik reported : A man came to the Apostle of Allah (may peace be upon him) and said : Apostle of Allah, the animals have died and the paths are blocked ; pray to Allah. So the Apostle (may peace be upon him) prayed and rain fell down from one Friday till another. Then came another man and said : Apostle

of Allah, the houses have fallen and the paths have become blocked and the animals have died. Then prayed the Apostle (may peace be upon him) : O Lord, pour down the rain on hills and mounds and valleys and round the trees. Anas reported that clouds rent asunder on Medina as a rag rents asunder.

Chapter 113

BELIEF THAT RAIN FALLS BECAUSE OF THE MOVEMENT OF STARS

(444) Zaid b. Khālid Juhanī reported : The Apostle of Allah (may peace be upon him) said the morning prayer at Ḥudaibīyah where the rain had fallen the previous night. When he finished the prayer, he turned towards the people and said : Do you know what your Creator has said ? They said : Allah and His Apostle know better. The Apostle of Allah (may peace be upon him) said : The Lord said that as they rise up at morning some of My creatures believe in Me and some reject Me. The man who said : Rain fell out of Divine Kindness and Mercy was the one who believed in Me and did not trust in the stars, and the other who said : The rain fell by the movement of such and such stars rejected Me and believed in the stars.

(445) It reached Imām Mālik that the Apostle of Allah (may peace be upon him) used to say that when the clouds rose from the sea and went towards Syria, then know that it is a fountain brimful of water.

(446) It reached Imām Mālik that Abū Hurairah used to say that when morning broke and the rain fell by the Command of Allah, they used to recite this verse :

بِسْمِ اللّٰهِ مَا يَفْتَحِ اللّٰهُ لِلنَّاسِ مِنْ رَّحْمَةٍ فَلَا مُمْسِكَ لَهَا (٣٥ : ٢)

"If the Lord wills to shower mercy, none can stop Him, and if He wills to keep it back, none could let it flow" [xxxv. 2].

Chapter 114

NOT TO FACE *QIBLAH* AT THE TIME OF URINATING OR EASING ONESELF

(447) Abū Ayyūb al-Anṣārī, a Companion of the Holy Prophet (may peace be upon him), used to say while in Egypt: By the Lord, what shall I do with these laterines, for the Apostle of Allah (may peace be upon him) said: When any of you goes to the urinal or laterine, he should neither face the *qiblah* nor turn his back to it?

(448) A man from the Anṣār reported that he heard the Apostle of Allah (may peace be upon him) prohibiting people from facing the *qiblah* at the time of urination or answering the call of nature.

Chapter 115

PERMISSION TO FACE *QIBLAH* WHILE ANSWERING THE CALL OF NATURE

(449) It is reported by 'Abd Allah b. 'Umar who used to relate: Some people think that when you sit and answer the call of nature, you should not face the *qiblah* or Bait al-Muqaddas. 'Abd Allah b. 'Umar said: When I went up the roof of my house I saw the Apostle of Allah (may peace be upon him) sitting on two bricks and easing himself and his face was towards Bait al-Muqaddas. ('Abd Allah b. 'Umar then told Wāsi' b. Ḥabbān): Perhaps you are one of those who say their prayer sitting on their haunches. (Wāsi' answered): By the Lord, I do not understand you.

Chapter 116

PROHIBITION OF SPITTING TOWARDS *QIBLAH*

(450) 'Umar reported: The Apostle of Allah (may peace be upon him) saw spittle on the wall of the *qiblah*. He had it wiped out and then turning to the people said: When any of you says your prayer, do not spit in your front, for the Lord is before him who prays.

(451) 'Ā'ishah, wife of the Holy Prophet (may peace be upon

him), reported : The Apostle of Allah (may peace be upon him) observed spittle on the wall of the *qiblah* or nose excretion or phlegm, and he had it wiped out.

Chapter 117

QIBLAH

(452) 'Abd Allah b. 'Umar reported : The people were saying their morning prayer in the mosque of Qubā', when a man came and said that the Holy Qur'ān descended upon the Apostle of Allah (may peace be upon him) last night which commanded that people should turn their faces in prayer towards the Ka'bah, and the people thereupon while still in prayer turned towards the Ka'bah. Their faces were previously towards Syria.

(453) Sa'īd b. al-Musayyab reported : The Apostle of Allah (may peace be upon him) said his prayers with his face towards Jerusalem for sixteen months after arriving at Medina, and then *qiblah* was changed two months prior to (the Battle of) Badr.

(454) Nāfi' reported : 'Umar b. al-Khaṭṭāb said that the *qiblah* was between the East and West when the face is turned towards the Ka'bah.

Chapter 118

VIRTUE OF THE PROPHET'S MOSQUE

(455) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said that one prayer said in my mosque is better than a thousand prayers said in other mosques except the Masjid al-Ḥarām (Mecca).

(456) Abū Sa'īd Khudrī reported : The Apostle of Allah (may peace be upon him) said : Between my house and my pulpit is a garden from out of the gardens of Paradise and my pulpit is above my Fountain.

(457) 'Abd Allah b. Zaid Māzinī reported : The Apostle of Allah (may peace be upon him) said : Between my house and my pulpit is a garden out of the gardens of Paradise.

Chapter 119

WOMEN GOING TO THE MOSQUE

(458) 'Abd Allah b. 'Umar reported : The Apostle of Allah (may peace be upon him) said : Do not prohibit women (creatures) of the Lord from entering mosques.

(459) Busr b. Sa'īd reported : The Apostle of Allah (may peace be upon him) said : If any of you women come for the 'ishā' (congregational) prayer, you should not use scents.

(460) When 'Ātikah, daughter of Zaid b. 'Amr Nufail, wife of 'Umar b. al-Khaṭṭab, used to ask 'Umar for permission to go to the mosque (for congregational prayer), he used to keep silence. 'Ātikah would say: By the Lord, I will go unless you prohibit me. And he would not prohibit.

(461) 'Ā'ishah, wife of the Holy Prophet (may peace be upon him), said : If the Apostle of Allah (may peace be upon him) had seen innovations adopted by women, he would have prohibited women from going to mosques as the Israelite women were prevented. Yaḥyā b. Sa'īd asked 'Umar whether the Israelite women were prohibited from going to the places of worship. He said : Yes.

Chapter 120

ABLUTION BEFORE TOUCHING THE HOLY QUR'ĀN IS NECESSARY

(462) 'Abd Allah b. Abū Bakr b. Ḥazm reported : The book written by the Apostle of Allah (may peace be upon him) for 'Amr b. Ḥazm contained this also that no man should touch the Holy Qur'ān without ablution.

Chapter 121

PERMISSION TO RECITE THE HOLY QUR'ĀN WITHOUT ABLUTION

(463) Muḥammad b. Sīrīn reported : 'Umar b. al-Khaṭṭāb **was**

sitting amongst men and they were reciting the Holy Qur'ān. He went to answer the call of nature and returned and started reading the Holy Qur'ān. A man said : O Commander of the Faithful, do you read the Holy Qur'ān without ablution. 'Umar asked : Who told you that this is prohibited ? Did Musailimah said so ?[112]

Chapter 122

FIXING THE RECITATION OF THE QUR'ĀN

(464) 'Abd Allah b. 'Abd al-Qārī reported : 'Umar b. al-Khaṭṭāb said : Whosoever misses his night recitation, but he recites it by the decline of the sun or ẓuhr the next day, has not lost it but found it.

(465) Yaḥyā b. Sa'īd is reported to have said : I and Muḥammad b. Yaḥyā b. Ḥabbān were seated together. Muḥammad called a man and told him to repeat what he had heard from his father. He said : My father told me that he went to Zaid b. Thābit and asked him : How it is to finish the Holy Qur'ān in seven days ? Zaid said : It is good, but in my opinion it should be finished in fifteen or twenty days. When asked the reason, Zaid said : So that I may understand it and remember it.

Chapter 123

ABOUT THE RECITATION OF THE QUR'ĀN

(466) 'Abd al-Raḥmān b. 'Abd al-Qārī reported: I heard 'Umar b. al-Khaṭṭāb saying: I heard Hishām b. Ḥakīm b. Ḥizām reciting Sūrah Furqān in a manner different from mine and my way was the one which was taught by the Apostle of Allah (may peace be upon him). I was on the point of being in haste and getting angry with him, but I waited until he finished his prayer. I then put his own garment round his neck and dragged him to the Apostle of Allah (may peace be upon him) and said: Apostle of Allah, I heard him reciting Sūrah Furqān in a manner different from that which you had taught me.

112. The enquirer was from Banī Ḥanīfah and believed in Musailimah Musailimah was a false prophet, and later repented and converted to Islam.

The Apostle of Allah (may peace be upon him) asked me to leave him and asked him to recite the *sūrah*. He did so just as I had heard him. The Apostle of Allah (may peace be upon him) said that that was the manner in which the *sūrah* was revealed. He then asked me to recite and I did so. He then said that that was the way in which the *sūrah* had come down and that the Holy Qur'ān could be read in seven ways and it may be recited in whatever way seems easy to you.

(467) 'Abd Allah b. 'Umar reported: The Apostle of Allah (may peace be upon him) said that the parable of the memoriser of the Qur'ān is like a camel-owner whose camel remains on hand as long as it is kept tethered and runs away when it is let loose.[113]

(468) 'Ā'ishah, wife of the Holy Prophet (may peace be upon him), reported that Ḥārith b. Hishām asked the Apostle of Allah (may peace be upon him): How does the revelation come to you? The Apostle of Allah (may peace be upon him) answered: Sometimes it is like the jingling of the bell and it is very hard on me, and when it stops, I learn up whatever (it) tells; sometimes the angel comes in the shape of a man and speaks to me and I learn up what he says. 'Ā'ishah says that when the revelation descends on him (the Apostle of Allah) on a severe winter day and then comes to an end, his forehead would overflow with perspiration.[114]

(469) 'Urwah b. Zubair reported: Sūrah 'Abasa (of the Holy Qur'ān) was revealed in connection with 'Abd Allah b. Umm Maktūm who came to the Apostle (may peace be upon him) and said: Show me a place to sit near you. And on that occasion a high-ranking disbeliever [Abī b. Khalaf or 'Utbah b. Rabī'ah] was sitting by him. The Apostle of Allah (may peace be upon him) was not paying attention to 'Abd Allah, but was speaking to the one beside him and saying: Father of such a one, is there any harm in what I am telling you? And he was replying: Nay, by the gods, there is no harm in what you are saying. At this time were revealed:

113. According to Ḥalīmī, the revelation used to come to the Apostle (may peace be upon him) in forty-six forms.

114. Similarly, the memoriser of the Qur'ān will remember it as long as he regularly recites it and when he leaves the recitation, he will forget it.

عَبَسَ وَتَوَلَّىٰٓ ۝ أَن جَآءَهُ ٱلْأَعْمَىٰ ۝ (٨٠ : ١، ٢)

(470) Aslam 'Adawī reported: The Apostle of Allah (may peace be upon him) was journeying (one night) and 'Umar b. al-Khaṭṭāb was with him on that night. 'Umar asked him something, but the Apostle of Allah (may peace be upon him) did not reply. He asked again, but he did not reply. He repeated his question and yet again there was no reply. 'Umar then spoke to himself: O that your mother had mourned for you, 'Umar; three times you asked in humbleness and not once did the Apostle of Allah (may peace be upon him) reply. 'Umar said: I made my camel go faster until I sped forward ahead of other men, but there was a fear in my heart that the word of Allah may be revealed in respect of me, and I stopped for a time. I then heard a voice crying out to me. I was filled with awe, with the thought that the word of Allah might have been revealed in connection with me. He said: I approached the Apostle of Allah (may peace be upon him) and greeted him. The Apostle of Allah (may peace be upon him) responded to my greeting and said: There has been revealed to me tonight a *sūrah* which is dearer to me than all things of the world. He then recited Sūrah Fatḥ.

(471) Abū Sa'īd al-Khudrī reported: I heard the Apostle of Allah (may peace be upon him) saying: There will come out from you some who will think lowly of your prayer in contrast with their own, of your fasts in relation with their own, and of your actions in contrast with their own. They will read the Holy Qur'ān, but it will not go down their throats. They will get out of their faith as an arrow pierces through the prey. If you look at the arch, you will find nothing therein; if you look at the string, you will not observe anything therein; if you look at the feather, you will find nothing therein and you will be in doubt whether it struck its mark at all.

(472) It reached Mālik that 'Abd Allah b. 'Umar learnt Sūrah Baqarah in eight years.

Chapter 124

THE *SAJDAH* OF QUR'ĀN-READING—WHETHER IT IS *SUNNAT* OR *MUSTAḤABB*

(473) Abū Salamah b. 'Abd al-Raḥmān reported: When Abū Hurairah recited to them Sūrah Inshiqāq, he performed *sajdah*, and when he finished informed them that the Apostle of Allah (may peace be upon him) had made the *sajdah* in it.

(474) Nāfi', freed slave of 'Umar, reported: One of the Egyptians informed me that when Ḥaḍrat 'Umar b. al-Khaṭṭāb read Sūrah Ḥajj he made two prostrations therein and said: This *sūrah* is honoured by two *sajdahs*.

(475) 'Abd Allah b. Dīnār reported: I saw 'Abd Allah b. 'Umar making two *sajdahs* in Sūrah Ḥajj.

(476) A'raj reported: 'Umar b. al-Khaṭṭāb recited *Wan-najm idha hawa* and performed a *sajdah*, then stood up and recited another *sūrah*.

(477) 'Urwah b. Zubair reported: 'Umar b. al-Khaṭṭāb recited a *sajdah*-verse on the pulpit on a Friday. He descended from the pulpit and performed the *sajdah* and the congregation also performed the *sajdah* with him. He then read the same the next Friday and when the congregation prepared to perform the *sajdah*, he told them to keep where they were. (He said:) The Lord has not made this *sajdah* obligatory, but we may do it when we will. He did not do the *sajdah* himself and prevented them from performing it.

Chapter 125

THE GREATNESS OF SŪRAHS IKHLĀṢ AND MULK

(478) Abū Sa'īd al-Khudrī reported: I heard a man reciting Sūrah Ikhlāṣ again and again. At daybreak he went to the Apostle of Allah (may peace be upon him) and reported the matter to him, for he was not aware of its proper worth. The Apostle (may beace be upon him) replied: By the Lord in Whose Power is my life, this *sūrah* is equal to one-third of the Qur'ān.

(479) Abū Hurairah reported: I went with the Apostle of Allah

(may peace be upon him) and he heard a man reciting Sūrah Ikhlāṣ and said: He is assured. I asked: Of what, Apostle of Allah? He answered: Of Paradise. Abū Hurairah said: I desired to carry the good news to the man but feard that I might lose my morning meal with the Apostle of Allah (may peace be upon him). I, therefore, took my meal and went towards the man and found that he had gone.

(480) Ḥumaid b. ʻAbd al-Raḥmān b. ʻAuf said that Sūrah Ikhlāṣ is equivalent to one-third of the Qur'ān and that Sūrah Mulk will fight for its reader.

Chapter 126

VIRTUE OF DIVINE CONTEMPLATION

(481) Abū Hurairaḥ reported the Apostle of Allah (may peace be upon him) to have said: The man reciting:

لَا إِلٰهَ إِلَّا اللهُ وَحْدَهُ لَا شَرِيكَ لَهُ لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ

a hundred times in one day is as if he had freed ten salves and a hundred virtues will be recorded in his favour and a hundred sins will be wiped out from him and he will be free that day of the mischief of Satan, until evening. No man will do better than he but (the one) who recites it oftener still.

(482) Abū Hurairah reported the Apostle of Allah (may peace be upon him) to have said: If a man should repeat *Subḥān Allāh wa bi ḥamdihl* a hundred times a day, his sins will be washed out even though they may be (as large as) the foam of the ocean.

(483) Abū Hurairah reported: A man who repeats after every prayer *Subḥān Allāh* thirty-three times and *Allāh Akbar* thirty-three times and *al-ḥamdu lillāh* thirty-three times and finishes the count to one hundred by saying

لَا إِلٰهَ إِلَّا اللهُ وَحْدَهُ لَا شَرِيكَ لَهُ لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ

will have his sins washed out even if they be (as large as) the foam of the ocean.

(484) Saʻīd b. al-Musayyab reported that the following words are remnants of sanctity:

اَللّٰهُ اَكْبَرُ وَسُبْحَانَ اللّٰهِ وَالْحَمْدُ لِلّٰهِ وَلَآ إِلٰهَ إِلَّا اللّٰهُ وَلَا حَوْلَ وَلَا قُوَّةَ إِلَّا بِاللّٰهِ ۞

(485) Abū Dardā' said: Shall I not tell you that which is far better than your other works, in point of rank the highest and with your Lord the nicest of all; that which is better than spending gold and silver and preferable to facing your enemy and striking on his head while he strikes on your head? The Companions said: Yes, why not? He said it is praising Allah.

(486) Abī 'Abd al-Raḥmān Mu'ādh b. Jabal said: There is no action for the son of Adam that would give him greater protection from the punishment of Allah than the praise of Allah.

(487) Rifā'ah b. Rāfi' reported: We were saying our prayer one day behind the Apostle of Allah (may peace be upon him). When he raised his head from *rukū'* and said: *Sami' Allāhu li-man ḥamidah*, a man behind him said: *Rabbanā lak-al-ḥamdu ḥamdun kathīran ṭayyiban mubārakan*. When the Apostle of Allah (may peace be upon him) finished his prayer, he asked who the man was. He, the man, said: It is I. The Apostle of Allah (may peace be upon him) said: I saw more than thirty angels counting as to who should write it first.[115]

Chapter 127

ON SUPPLICATION TO ALLAH

(488) Abū Hurairah reported: The Apostle of Allah (may peace be upon him) said: There is appointed for every Prophet a supplication which the Lord accepts definitely and I wish to have that prayer preserved for the salvation of my *Ummah* on the Day of Judgment.

(489) Yaḥyā b. Sa'id learnt that the Apostle of Allah (may peace be upon him) prayed: O Lord! the Creator of dawn and Maker of night comfortable, the Revolver of the sun and the moon under a system, pay then off my debt and make me rich and let me profit by my ears and eyes and my strength in Thy cause.

(490) Abū Hurairah reported: The Apostle of Allah (may peace

115. The regard of these words was very high, hence every angel was making haste in recording them first.

be upon him) said: When any of you supplicates, do not say. Forgive me if Thou wilt, or: Be merciful to me if Thou wilt, but say: Forgive me because there is none that can compel the Lord.

(491) Abū Hurairah reported: The Apostle of God (may peace be upon him) said: The supplication is granted if he who prays is neither impatient nor says: I prayed, but my prayer was not granted.[116]

(492) Abū Hurairah reported: The Apostle of Allah (may peace be upon him) said: Our Lord descends every night to the sky of the earth and when a third of the night remains asks: Who is there that will pray to Me so that I may grant his prayer; who is there that will ask of Me and I shall give to him; who is there that desires forgiveness and I shall forgive him.

(493) Muḥammad b. Ibrāhīm b. al-Ḥārith Taimī reported: 'Ā'ishah, Mother of the Believers, said: I was sleeping by the side of the Apostle of Allah (may peace be upon him). Then I did not find him there at night. I felt around and my hand touched his feet and he was in prostration, and was saying: I seek refuge in Thy Mercy from Thy wrath and in Thy forgiveness from Thy punishment and in Thee from Thee. I cannot praise Thee enough. Thou art what Thou hast said in praise abou Thyself.

(494) Ṭalḥah b. 'Ubaid Allah b. Kuraiz reported: The Apostle of Allah (may peace be upon him) said that the best of supplications is the one on the day of 'Arafah and the best of all sayings spoken by me and the Prophets before me are:

لَآ اِلٰهَ اِلَّا اللّٰهُ وَحْدَهٗ لَا شَرِيْكَ لَهٗ ؞

(495) 'Abd Allah b. 'Abbās reported: The Apostle of Allah (may peace be upon him) used to teach me the following supplication just as he used to teach a *sūrah* of the Holy Qur'ān: O Lord! I seek Thy refuge from the torment of Hell and I seek Thy refuge from the torment of the grave and I seek Thy refuge from the mischief of the Dajjāl and I seek Thy refuge from the mischief of life and death.

(496) 'Abd Allah b. 'Abbās reported: When the Apostle of Allah (may peace be upon him) stood for prayer at midnight, he used to say: O Lord! all praise is to Thee. Thou art the light of the heavens and

116. Because this is a pessimistic utterance. We should not feel disappointed with our Lord. He understands His servants too well and their requirements.

the earth. All praise be to Thee. Thou art the Creator of the heavens and the earth and of all that is in them. Thou art the Truth. Thy word is True. Thy promise is True. To meet Thee is True. Heaven is True. Hell is True. The Time of Judgment is True. O Lord! I obey Thee. I have faith in Thee. I trust Thee. I turn to Thee with all my heart. With Thy help I fought the unbelievers. Thee I know as my Ruler and Judge in case of difference. Forgive my sins that are past and what follows, what are hidden and what are evident. Thou art my Lord and Master. There is none True Lord as Thee.

(497) 'Abd Allah b. 'Abd Allah b. Jābir b. 'Atīk reported: 'Abd Allah b. 'Umar came to us at Banī Mu'āwiyah which is one of the villages of the Anṣār. He asked: Do you know where the Apostle of Allah (may peace be upon him) said his prayer in this mosque of yours? I said: Yes, I know, and pointed out to him a corner. He then asked me whether I knew the three supplications which the Apostle of Allah (may peace be upon him) had made. I said: Yes. He asked me to repeat them. I said: He (the Apostle) prayed that no enemy should be hoisted upon them from among the enemy, that they should not die of famine, and these two prayers were granted. The third was that there might be no warfare and bloodshed amongst the Muslims. This prayer was not granted. He said: You speak the truth. Then said: There will be disputes (and bloodshed) amongst them until the Resurrection Day.

(498) Zaid b. Aslam reported: When a man makes a supplication (to Allah), it is not void of three states. It is either granted or postponed till the Resurrection Day or turns to be the redemption of (his) sins.

Chapter 128

THE METHOD OF SUPPLICATION

(499) 'Abd Allah b. Dīnār reported: 'Abd Allah b. 'Umar saw me supplicating (to the Lord) and I was making signs with two fingers one of each hand, and he restrained me therefrom.

(500) Sa'id b. al-Musayyab used to say: Verily a man's state was

exalted by the supplication of his son after his death. He signed with both hands towards the sky and then raised them.

(501) 'Urwah b. Zubair reported that the verse is a supplication. It should neither be loud nor low, but in a voice in between.

(502) It reached Mālik that the Apostle of Allah (may peace be upon him) used to pray: O Lord! I beg of Thee the doing of good actions, the abandoning of things denied, the love of the poor and when Thou desirest to send down any calamity (trial, mischief), call me over to Thee and protect me from it.

(503) It reached Mālik that the Apostle of Allah (may peace be upon him) said: He who calls towards right direction would be rewarded accordingly and he who follows will not get a lesser compensation; and he who calls towards the wrong path will suffer as much sin and punishment as he who follows and it will not be lesser than the sin of him who accedes.

(504) It reached Mālik that 'Abd Allah b. 'Umar used to say: O Allah! make me the leader of the righteous.

(505) It reached Mālik that when Abū Dardā' would wake up at midnight, he would to say: The eyes have slept and the stars have disappeared and Thou, O Living, art permanent and awake.

Chapter 129

PROHIBITION OF PRAYER AFTER FAJR AND 'AṢR PRAYERS

(506) 'Abd Allah Ṣunābiḥī reported: The Apostle of Allah (may peace be upon him) said: When the sun rises the horns of Satan are close by, and when it rises high in the sky, he leaves it; when it is above the head, he comes near, and when it declines, he moves away; when it begins to set, he arrives close, and when it sets, he departs from it; and the Apostle of Allah (may peace be upon him) prohibited to pray at such times.

(507) 'Urwah b. Zubair reported: The Apostle of Allah (may peace be upon him) said: When the edge of the sun appears, wait until the whole sun appears before you pray, and when the edge of the sun

sets, wait until the whole sun disappears before you pray.

(508) 'Alā' b. 'Abd al-Raḥmān reported : We went to Anas b. Mālik after ẓuhr and he was standing for the 'aṣr prayer. After he finished his prayer, we or he spoke of the early saying of prayer, and Anas said : I heard the Apostle of Allah (may peace be upon him) saying that the prayer of the hypocrites is that one of these waits until the sun gets pale and is between the two horns, not one horn, of Satan and then they rise and peck four times and so remember the Lord but little.

(509) 'Abd Allah b. 'Umar reported : The Apostle of Allah (may peace be upon him) declared that none of you should perform your prayer at the time when the sun is rising (dawn) or when it is setting.

(510) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) prohibited prayer after 'aṣr until after sunset, and after morning until after sunrise.

(511) 'Abd Allah b. 'Umar reported that 'Umar b. al-Khaṭṭāb used to say : Do not prepare to say your prayer at the time of dawn or sunset for the two horns of Satan rise with the sun and set with it. He used to beat people if they said their prayer at these times.

(512) Sā'ib b. Yazīd saw 'Umar b. al-Khaṭṭāb beating Munkadir for saying prayer after 'aṣr.

II. KITĀB AL-JANĀ'IZ

Chapter 130

THE FUNERAL BATH

(513) Muḥammad b. Bāqir reported that the Apostle of Allah (may peace be upon him) was given his (funeral) bath in a shirt.

(514) Umm 'Aṭīyyah al-Anṣārīyyah reported that when the daughter of the Apostle of Allah (may peace be upon him) died, he came to us and said: Bathe her three or five times with water and pear leaves and at the end add camphor or anything similar to camphor, and when you have finished inform me. We let him know when we had given the bath; he gave us his loin cloth and asked us to wrap it round her body.

(515) 'Abd Allah b. Abū Bakr reported that Asmā' daughter of Umais, wife of Abū Bakr Ṣiddīq, bathed Abū Bakr Ṣiddīq when he died. Thereafter she came out and asked the *Muhājirs* who were present: I am fasting and today the cold is severe; is it essential for me also to take a bath? They said: No.

Chapter 131

SHROUDING OF THE DEAD

(516) 'Ā'ishah, wife of the Holy Prophet (may peace be upon him), reported that the Apostle of Allah (may peace be upon him) was wrapped in three pieces of white cloth which was made at Saḥūl.[117] There was neither a shirt nor a head-dress.

(517) Yaḥyā b. Sa'īd reported that the Apostle of Allah (may peace be upon him) was shrouded in three pieces of white cloth which was made at Saḥūl.

(518) Yaḥyā b. Sa'īd reported that he learnt that Abū Bakr Ṣiddīq asked 'Ā'ishah in his illness as to in how many pieces of cloth the

117. A place in the Yemen.

Apostle of Allah (may peace be upon him) was wrapped. 'Ā'ishah replied : In three pieces of cloth made at Saḥūl.

Abū Bakr Ṣiddīq said : This cloth which I am wearing has been dyed in saffron; wash it and take two other pieces of cloth for my shroud. 'Ā'ishah asked : Why so ? Abū Bakr replied: The living need new clothes more than the dead. And this cloth is distinctible; shroud is for puss and blood.

(519) 'Amr b. al-'Āṣ reported that the corpse should be wrapped in a shirt and a waist cloth and wound in a third piece of cloth. If there is but one cloth, he should be shrouded in it.

Chapter 132

WALKING BEFORE THE BIER

(520) Ibn Shihāb reported that the Apostle of Allah (may peace be upon him) and Abū Bakr Ṣiddīq and 'Umar and all the *Khalīfahs* used to walk before the bier and 'Abd Allah b. 'Umar too used to do likewise.

(521) Rabī'ah b. 'Abd Allah b. Huḍair reported that he saw 'Umar b. al-Khaṭṭāb walking before the bier of Zainab, daughter of Jaḥsh.

(522) Hishām b. 'Urwah reported : I saw my father always walking in front of the bier, until at last he arrived at Baqī' and sat down while the bier came and passed away.

(523) Ibn Shihāb said that walking behind the bier is a default against the *Sunnah*.

Chapter 133

PROHIBITION TO CARRY FIRE BEHIND THE BIER

(524) Asmā', daughter of Abū Bakr, told her people : When I die, have my clothes scented, rub scent over my body, but do not sprinkle it over my coffin and do not carry fire with my bier.

(525) Abū Hurairah prohibited fire being carried with his bier.

Chapter 134

THE *TAKBĪRS* OF FUNERAL

(526) Abū Hurairah reported that on the day the Negus (King of Abyssinia) died, the Apostle of Allah (may peace be upon him) informed the people of his death and issued out with the people to the place of worship and made men stand in ranks and said funeral prayer with four *takbīrs*.

(527) Abū Umāmah b. Sahl b. Ḥanaīf reported that a destitute woman fell ill and the Apostle of Allah (may peace be upon him) was informed of her illness. The Apostle of Allah (may peace be upon him) used to visit the destitute in their illness and enquire after their health. The Apostle of Allah (may peace be upon him) instructed that he should be informed of her death. The funeral took place at night and the Companions of the Holy Prophet (may peace be upon him) considered it improper to wake up the Holy Prophet. When the day broke, he (the Apostle) learnt of the matter and said: Had I not asked you to inform me? The Companions said: Apostle of Allah, we disliked to wake you up and call you out at night. He then went to her grave and formed them into ranks and said four *takbīrs*.

(528) Mālik asked Ibn Shihāb as to what a man should do when he got some of the funeral *takbīrs* and some not. He replied that he should complete them afterwards (as *qaḍā'*).

Chapter 135

THE FUNERAL PRAYER

(529) Abū Sa'īd al-Maqburī asked Abū Hurairah how the funeral service is held. Abū Hurairah said: By the Lord, I will certainly tell you. I follow the bier from the house and, when it is put down, I say the *takbīr* and praise the Lord and send blessings on the Messenger of Allah (may peace be upon him) and then say: O Lord, Thy creature and Thy creature's son and the son of Thy handmaid used to witness that there is no true god but Thee and that verily Muḥammad is Thy servant and Thy Messenger and Thou knowest well his state. If he is

righteous, increase Thou his reward, and if he is sinful, forgive him his sins. O Lord, do not deprive us of his reward and do not put us on trial after him.

(530) Sa'īd b. al-Mūsayyab said that he offered the funeral prayer of an innocent baby behind Abū Hurairah and heard him praying: O Lord, protect him from the torment of the grave.

(531) Nāfi' reported that 'Abd Allah b. 'Umar did not recite (the Qur'ān) in funeral prayer.

Chapter 136

FUNERAL SERVICE AFTER THE FAJR AND 'AṢR PRAYERS

(532) Muḥammad b. Abī Ḥarmalah, freedman of 'Abd al-Raḥmān b. Abū Sufyān b. Ḥuwaiṭib, reported that Zainab daughter of Abī Salamah (daughter of Umm Salamah, Mother of the Believers, by her first husband) died and Ṭāriq was at that time the administrator of Medina. The bier was brought after the morning prayer and placed in Baqī' and Ṭāriq used to say his morning prayer while it was still dark, Ibn Abū Ḥarmalah said: I heard 'Abd Allah b. 'Umar saying to Zainab's family: Either you say the funeral prayer now or put it off until the sun is high.

(533) Nāfi' reported that 'Abd Allah b. 'Umar used to say: The funeral prayer should be said after 'aṣr or after morning prayer, when these two prayers should be said at their proper time.[118]

Chapter 137

FUNERAL SERVICE IN THE MOSQUE

(534) 'Ā'ishah, wife of the Prophet of Allah (may peace be upon him), ordered that the bier of Sa'd b. Abī Waqqāṣ should be carried from the mosque and passed close to her room so that she may pray for him. The people objected. At this 'Ā'ishah said: How soon do people forget! Did not the Apostle of Allah (may peace be upon him)

118. I.e. morning prayer while it is still dark and 'aṣr prayer after the sun grows pale.

say the funeral prayer for Suhail b. Baiḍā'in the mosque?

(535) 'Abd Allah b. 'Umar said that the funeral prayer of 'Umar b. al-Khaṭṭāb was said in the mosque.

Chapter 138

COMMANDS REGARDING FUNERAL PRAYER

(536) It reached Mālik that 'Uthmān b. 'Affān and 'Abd Allah b. 'Umar used to say funeral prayer in Medina over men and women once. The males used to be kept near the *imām* and the women near the *qiblah*.

(537) Nāfi' reported that when 'Abd Allah b. 'Umar finished the funeral prayer he would say the salutation (aloud) so that the men close to him should hear him.

(538) Nāfi' reported that 'Abd Allah b. 'Umar used to say that nobody should say the funeral prayer until he performs ablution.

Chapter 139

ABOUT THE BURIAL OF THE DEAD

(539) It reached Mālik that the Apostle of Allah (may peace be upon him) died on Monday and was buried on Tuesday and the people said their funeral prayers individually without the *imām*. Some said he should be buried near the pulpit and some said in Baqī'. Then came Abū Bakr Ṣiddīq and he said: I heard the Apostle of Allah (may peace be upon him) saying that no Prophet was buried but at the place where he died. Then the grave was dug at the place where he died. When the time of bathing his body came, people wanted to take off his shirt, but the people heard a voice: Do not take off the shirt, and the Apostle of Allah (may peace be upon him) was bathed with the shirt on.

(540) 'Urwah b. Zubair reported that there were two men who were grave-diggers. One used to make the side excavation and the other not. The people said that whoever came first shall start the work. The man who came first was the side-maker, hence the grave was made accordingly.

(541) It reached Mālik that Umm Salamah, wife of the Hoy Prophet (may peace be upon him), used to say: I did not feel certain of the death of the Apostle of Allah (may peace be upon him) until I heard the noise of the spades.

(542) Yaḥyā b. Sa'id reported that 'Ā'ishah, wife of the Holy Prophet (may peace be upon him), said: I saw in a dream that three moons fell in my room. I related my dream to Abū Bakr Ṣiddiq. When the Apostle of Allah (may peace be upon him) died, he was buried in her room. Abū Bakr said to her: He was one of those three moons and the best of them all.

(543) Many trustworthy persons have reported that Sa'd b. Abī Waqqāṣ and Sa'īd b. Zaid b. 'Amr b. Nufail died in 'Aqiq[119] and were brought to Medina and buried there.

(544) 'Urwah b. Zubair said: I do not like to be buried in Baqī' It would be better if I am buried elsewhere, for, if I should be buried at Baqī' and if a sinner has been buried there already, I do not desire to be buried with him, and if a virtuous man has been buried there I do not wish that for my sake his bones should be dug out.

Chapter 140

STANDING UP ON SEEING A FUNERAL AND SITTING ON GRAVES

(545) 'Alī b. Abi Ṭālib reported that the Apostle of Allah (may peace be upon him) used to stand up on seeing funerals; later on he used to keep sitting.

(546) It reached Mālik that 'Alī b. Abū Ṭālib used to lean on tombs and lie down on them.

(547) Abū Umāmah b. Sahl b. Ḥunaif used to say: When we observed funerals, even the last person did not sit without permission.

Chapter 141

PROHIBITION TO CRY OVER THE DEAD

(548) Jābir b. 'Atīk reported that the Apostle of Allah (may peace

119. A village near Medina.

be upon him) came to visit 'Abd Allah b. Thābit in his illness and found him suffering greatly. He called out to him but he did not answer. Then he said: *Innā lillāh wa inna ilaihi rāji'ūn*, and said: O Abul-Rubayyi',[120] we have been overpowered (with grief) on account of thee. The women began to cry out loudly and Jābir b. 'Atik tried to silence them. The Apostle of Allah (may peace be upon him) said: Let them weep now; when the time should come, none should weep. The Companions asked the meaning of "when the time should come," and the Apostle of Allah (may peace be upon him) replied: When death occurs. Just then, his daughter (addressing the dead) said: I hoped you would die a martyr for you had made every preparation for *jihād*. The Apostle of Allah (may peace be upon him) then said: The Lord would reward him according to his intentions. What do you think is martyrdom? They said: To die in the service of Allah. Said the Apostle of Allah (may peacebe upon him): There are seven martyrs other than those killed in the path of the Lord: the plague-stricken is a martyr, the one drowned is a martyr; one who dies with lung affection is a martyr; one who dies of pneumonia, is a martyr, one dying of stomach affliction is a martyr; one burnt in fire is a martyr; one who is buried under anything (like a house or a wall) and dies is a martyr and the woman who dies in child-birth is a martyr.

(549) 'Amrah reported: When it was related before 'Ā'ishah, Mother of the Faithful, that 'Abd Allah b. 'Umar said that the dead suffered on account of the weeping of the alive, she said: May Allah forgive Abū 'Abd al-Raḥmān (i.e. 'Abd Allah b. 'Umar)! He has not told a lie but he has forgotten and has confused matters. The fact is that the Apostle of Allah (may peace be upon him) passed one day by a Jewess and her people were crying over her and he said: These persons are lamenting over her and she is suffering torment in the grave.

Chapter 142

THE REWARD OF PATIENCE IN TROUBLE

(550) Abū Hurairah reported that the Apostle of Allah (may peace

120. *Kunyah* of 'Abd Allah b. Thābit.

be upon him) declared that if a Muslim's three children die and yet goes to Hell is impossible, except in the fulfilment of the oath.

(551) Abū Naḍr Salamī reported that the Apostle of Allah (may peace be upon him) said: A Muslim three of whose sons have died and he should have been patient will find them become a shield to protect him from the Fire. A woman who was near the Apostle of Allah (may peace be upon him) asked: Apostle of Allah, if two? He replied: Even two.

(552) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said that a Muslim gets pain and trouble from his children and relations until he meets his Lord and there remains no sin of his.

Chapter 143

PATIENCE IN TROUBLE—MISCELLANEOUS *AḤĀDĪTH*

(553) 'Abd al-Raḥmān b. Qāsim reported that the Apostle of Allah (may peace be upon him) said: All troubles and tribulations of the Muslims become lightened by remembering my troubles.

(554) Umm Salamah, wife of the Holy Prophet (may peace be upon him), reported that the Apostle of Allah (may peace be upon him) said: Whoever is in trouble and says, as ordered by the Lord, "We are from Allah and to Him shall we return," and prays: "O Lord! reward me in this pain and grant me a better recompense," Allah, in His benevolence, would grant him even so. Umm Salamah says: When my husband, Abū Salamah, died, I prayed in this fashion and spoke to myself: Who could be better than Abū Salamah?—and Allah rewarded her by giving her the Apostle of Allah (may peace be upon him) as her husband.

(555) Qāsim b. Muḥammad reported: My wife died and there came to condole with me (in my bereavement) Muḥammad b. Ka'b Quraẓī. He said: Amongst the Israelites was a man, pious, learned, and an authority. He had a wife whom he greatly adored. She died and he felt so great a shock that he sat in the house and shut his doors and avoided society, so that no one visited him. A woman heard of this and went to the door and said: I have a question to ask. I shall ask it of him alone and it is not possible to do so without seeing him.

All those who were present went away disappointed, but she was adamant and would not go back and persisted that there was no remedy but to meet him. A man went in and told him that a woman had come to ask of him a problem and wanted to meet him and that, while others had left, she refused to leave the threshold. The man allowed her to be let in. The woman went to him and said : I have come to ask you a quesion. What is it? said he. She said : I borrowed some jewellery from a woman neighbour and wore it for a long time and loaned it to those who asked for it. And now that woman wants it back. Should I give it back to her? He said : Yes, by God, return it! She pleaded : But it has been with me for such a length of time! He replied : That is just why it is the more imperative that you should return it, for she gave (the jewellery to) you for such a long time on your request. She said : Oh thou! the Lord be merciful to thee! Why dost thou feel sorry for that which the Lord lent you (for a time) and then took it back from you? The Lord has the greater right than you. The man contemplated over the matter and Allah granted him profit from her words.

Chapter 144

ABOUT SHROUD THEFT

(556) 'Amrah, daughter of 'Abd al-Raḥmān, reported that she heard the Apostle of God (may peace be upon him) cursing the man or woman who stole hidden things, i.e. thieves of shrouds.

(557) It reached Mālik that 'Ā'ishah, wife of the Holy Prophet (may peace be upon him), used to say that to break the bone of the corpse of a Muslim is (as bad as) to break the bone of one living.

Chapter 145

MISCELLANEOUS *AHĀDĪTH* ABOUT FUNERALS

(558) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported that she heard it from the Apostle of Allah (may peace be upon him) prior to his death when he was leaning against her breast, and 'Ā'ishah was listening to him closely: O Lord! forgive me, be

merciful to me and unite me with exalted companions!

(559) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported that the Apostle of Allah (may peace be upon him) said: No Messenger of Allah dies until he is given the option. She said: I heard him saying: I have chosen the exalted companions. And then I knew that he was to depart (from this world).

(560) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) said: When one of you dies, he is shown, night and day, his place which is in Heaven if he is of the heavenly and in Hell if he belongs to Hell. He is told: This is your destination until you are made to rise on the Day of Resurrection.

(561) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said: The earth eats away the whole body of the son of Adam except the backbone for he was born of it and will be born of it on the Day of Resurrection.

(562) Ka'b b. Mālik reported that the Apostle of Allah (may peace be upon him) said: The soul of a believer, assuming the form of a bird, hangs from a tree in the Heaven until it is returned to its body by the Creator on the Day of Awakening.

(563) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said: The Lord said: When My servant wants to meet Me, I too desire to meet him, and when he hates to face Me, I too hate to meet him.

(564) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) declared: A certain man had never done any act of virtue to his kinsfolk. When he was at the point of death, he told his people to burn him after death, and make two portions of his ashes, casting one part on the land and throwing the other in the sea, for (he said): If the Lord should find me, He will punish me so severely that no other man in the world was punished. When he died, his people carried out his wishes. The Lord commanded the earth and (all his ashes) were collected at one place. The sea was commanded likewise and (his ashes there) were collected too. The Lord then asked him why he had behaved so. He replied: Out of fear of Thee, O Lord, Thou knowest it well. The Lord then forgave him.

(565) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) declared: Every child is born a Muslim and then his parents make him a Jew or a Christian, just as a camel is born, sound and whole, and then people slit his ears. The Companions said: Apostle of Allah, how do those childern fare who die in infancy? He replied: The Lord knows well what they would have done (if they had grown up).

(566) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) declared : The Day of Resurrection will not be set until a man should pass another man's grave and say : Oh that I had been in his place.

(567) Abū Qatādah b. Rabī' reported that a bier passed by the Apostle of Allah (may peace be upon him). He asked : Is it *mustarīḥ*, or *mustrāḥ minhu*? They (the Companions) said : Apostle of Allah, what is *mustarīḥ* and what is *mustarāḥ*? He said : A believer is a *mustarīḥ*, that is, when he dies, he gets relieved of the pains and troubles of the world and obtains solace and rests in the Mercy of the Lord, and a sinner is a *mustarāḥ minhu*, for when he dies, people and cities and trees and animals get comfort.

(568) Abū Naḍr, freedman of 'Umar b. 'Ubaid Allah, reported that when the bier of 'Uthmān b. Maz'ūn passed by him the Apostle of Allah (may peace be upon him) declared: You left the world and did not take anything from it.

(569) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported: The Apostle of Allah (may peace be upon him) stood up one night, dressed and went out. I asked my slavegirl Barīrah to follow him. She followed him until he reached Baqī' and stood near it as long as the Lord wished. When he turned back, Barīrah came to me earlier than he and I spoke nothing to him. When it was morning, I spoke out and he said : I was asked to go to the people of Baqī' and pray for them.

(570) Nāfi' reported that Abū Hurairah said: Hasten in carrying the bier, for if he is good, you will be taking him towards his welfare sooner and if he is bad, you will sooner be taking him off your shoulders.

III. KITAB AL-SIYAM

Chapter 146

REGARDING SIGHTING THE CRESCENT OF RAMAḌĀN AND *IFṬĀR* DURING RAMAḌĀN

(571) ‘Abd Allah b. ‘Umar reported that when talking about Ramaḍān, the Apostle of Allah (may peace be upon him) declared; "Do not keep fast until you see the crescent of Ramaḍān and do not give up fasting until you see it (the crescent of Shawwāl). But if it should be hidden under clouds, count the days of Ramaḍān.

(572) ‘Abd Allah b. ‘Umar reported that the Apostle of Allah (may peace be upon him) said that if a month be of twenty-nine days, do not keep fast until you see the crescent and do not give up fasting until you see the crescent. But if there are clouds, count it over.

(573) ‘Abd Allah b. ‘Abbās reported that the Apostle of Allah (may peace be upon him), referring to Ramaḍān, declared: Do not begin to fast until you have seen the crescent and do not leave the fasts until you see it, and if there are clouds complete thirty days.

(574) It reached Mālik that in the caliphate of ‘Uthmān b. ‘Affān, the crescent was observed in the afternoon, but he did not break the fast until the evening and the sunset.

Chapter 147

DECLARING INTENTION OF THE FAST BEFORE FAJR

(575) Ibn ‘Umar said: Fasting is not valid until the intention of the fast is made before dawn.

(576) ‘Ā’ishah and Ḥafṣah, wives of the Holy Prophet (may peace be upon him), are also of the same opinion.

Chapter 148

REGARDING BREAKING THE FAST EARLY

(577) Sahl b. Sa'd Sā'idī reported the Apostle of Allah (may peace be upon him) having said: The people will always continue to be better (in their faith) as long as they break their fasts early.[121]

(578) Sa'īd b. al-Musayyab reported that the Apostle of Allah (may peace be upon him) declared: The people will always continue to be good (in their faith) as long as they break their fasts early.

(579) Ḥumaid b. 'Abd al-Raḥmān reported that 'Umar b. Khaṭṭāb and 'Uthmān b. 'Affān used to say the sunset (maghrib) prayer when they perceived the darkness of the night in Ramaḍān and then they broke their fasts after prayer.

Chapter 149

ABOUT THE FASTING OF AN UNCLEAN (*JANABĪ*) PERSON WHEN IT BECOMES MORNING

(580) 'Ā'ishah reported: A man enquired of the Apostle of Allah (may peace be upon him) as he was standing at the door and I was listening: Apostle of Allah, it becomes morning and I am in a state of uncleanliness (*janab*) and I intend to fast. The Apostle of Allah (may peace be upon him) declared: I start the morning in a state of uncleanliness and I intend to fast. I take a bath and observe the fast. The man replied: Apostle of Allah, you are not like us. The Lord has forgiven all your sins, past and ensuing. The Apostle of Allah (may peace be upon him) said angrily: By the Lord, I hope that I prove to be, amongst you all, the one who most fears the Lord and knows most matters of piety.

(581) 'Ā'ishah and Umm Salamah, wives of the Prophet (may peace be upon him), reported that the Apostle of Allah (may peace be upon him) used to be unclean after intercourse, and not by

121. That is, when it is sure that the sun has set, by seeing it or by evidence, there should not be any delay in breaking the fast unlike Jews and Christians who break their fast on the appearance of stars.

nocturual emission, and it would become morning in Ramaḍān and be used to keep fast.

(582) Abū Bakr b. 'Abd al-Raḥmān reported : I and my father were both sitting with Marwān b. Ḥakam who was at that time the Governor of Medina, and it was related to him that Abū Hurairah said that the person who is unclean (*jànabī*) and the morning should come, his fast would not be valid for that day. Marwān said : I place you under oath, O 'Abd al-Raḥmān, you go to Mothers of the Faithful, 'Ā'ishah and Umm Salamah, and enquire of them concerning this. 'Abd al-Raḥmān went and I accompanied him. We arrived at 'Ā'ishah's and 'Abd al-Raḥmān greeted her and said : Mother of the Faithful, we were sitting with Marwān b. Ḥakam and it was told that Abū Hurairah said : If on him who should be unclean (*janabī*) the morning should dawn, his fast would not be valid for that day. 'Ā'ishah said : It is not as Abū Hurairah said, O 'Abd al-Raḥmān ; do you turn your face from that which the Apostle of Allah (may peace be upon him) used to do ? 'Abd al:Raḥmān answered : By the Lord, no. 'Ā'ishah declared : I give evidence that the Apostle of Allah (may peace be upon him) used to be unclean with intercourse, not with noctural emission, and it would become morning, but he used to fast that day. We then issued out and proceeded to Umm Salamah and asked her about the matter. She, too, gave the reply which was given by 'Ā'ishah. We then issued forth and came to Marwān b. Ḥakam and 'Abd al-Raḥmān related to him of what 'Ā'ishah and Umm Salamah had spoken. Marwān said : I adjure you, O Abū Muḥammad, do ride on my animal which is at the door and go to Abū Hurairah, for he is on his land at 'Aqīq and inform him of this matter. 'Abd al-Raḥmān rode and I rode with him and we arrived at Abū Hurairah's and 'Abd al-Raḥmān had informal talk with him for an hour and then broached this question. Abū Hurairah replied : I had no knowledge of the matter ; a man had stated that to me.

(583) 'Ā'ishah and Umm Salamah, wives of the Prophet (may peace be upon him), reported : The Apostle of Allah (may peace be upon him) used to be unclean with intercourse and not nocturnal emission when it would be morning and he used to keep fast.

Chapter 150

ABOUT THE PERMISSION OF KISSING DURING THE FAST

(584) 'Aṭā' b. Yasār reported: A man kissed his wife while he was fasting in Ramaḍān and he felt greatly sorry for it. He sent his wife to Umm Salamah, wife of the Prophet (may peace be upon him), about her view in the matter. She went to Umm Salamah, and related the matter to her. Umm Salamah said: The Apostle of Allah (may peace be upon him) kisses while he is fasting. She then went to her husband and informed him. He was still more sorrowful and said: We are not like the Apostle of Allah (may peace be upon him). The Lord makes valid for His Messenger anything He likes. His wife then went back to Umm Salamah and found that the Apostle of Allah (may peace be upon him) was there too. He asked what the matter was with the woman and Umm Salamah related everything. He said to Umm Salamah: Why did you not tell her that I too do it ? Umm Salamah replied that she had told her. But the woman went to her husband and informed him and he was still more sorrowful and said: We are not like the Apostle of Allah (may peace be upon him). The Lord makes valid for His Messenger anything He likes. The Apostle of Allah (may peace be upon him) was angry and declared: By the Lord, I am the most afraid of my Lord and understand most limitations put by Him.

(585) 'Ā'ishah, Mother of the Faithful, said: The Apostle of Allah (may peace be upon him) used to kiss some of his wives when fasting, and then they used to laugh.

(586) Yaḥyā b. Sa'īd reported that 'Ātikah, daughter of Sa'īd b. Zaid b. 'Amr b. Nufail, wife of 'Umar, used to kiss the head of 'Umar b. al-Khaṭṭāb and he would be fasting, but he did not prohibit her.

(587) 'Ā'ishah, daughter of Ṭalḥah reported, that she was sitting with 'Ā'ishah, wife of the Prophet (may peace be upon him) when there came in her husband, 'Abd Allah b. 'Abd al-Raḥmān b. Abū Bakr Ṣiddīq (nephew of 'Ā'ishah) and he was fasting. 'Ā'ishah said :

Why do you not go to your wife and kiss her and fondle her? 'Abd Allah said : Shall I kiss her when I am fasting? 'Ā'ishah said : Yes.

(588) Zaid b. Aslam reported that Abū Hurairah and Sa'd b. Abī Waqqāṣ used to allow those fasting to kiss.

Chapter 151

PROHIBITION OF KISSING TO ONE FASTING

(589) It reached Mālik that whenever 'Ā'ishah, wife of the Prophet (may peace be upon him), related that the Apostle of Allah (may peace be upon him) used to kiss when fasting, she used to say : Who amongst you has more power of restraint than the Apostle of Allah (may peace be upon him)?

(590) 'Āṭā' b. Yasār reported that 'Abd Allah b. 'Abbās was asked about kissing by a man observing fast, and he permitted it for the old and deemed it repugnant for the young.

(591) Nāfi' reported that 'Abd Allah b. 'Umar used to prohibit a fasting person from kissing and cohabitation.

Chapter 152

ON FASTING DURING TRAVEL

(592) 'Abd Allah b. 'Abbās reported : The Apostle of Allah (may peace be upon him) started for Mecca in the year of the conquest of Mecca during Ramaḍān. He kept his fast and when he reached Kadīd,[122] he broke the fast. The other people also broke their fasts.

(593) Some of the Companions of the Apostle of Allah (may peace be upon him) reported that in the year of the conquest of Mecca the Apostle of Allah (may peace be upon him) ordered the people not to fast during travel. He declared : Be strong against your foe. The Apostle of Allah (may peace be upon him) himself fasted.

122. Kadīd is a place seven stops from Medina and three from Mecca. The Prophet (may peace be upon him) was informed that fasting was becoming very hard and intolerable for his followers. He then broke the fast. The Companions had the habit of adopting new things and of adopting in their place things newer, in conformity with the commands of the Apostle of Allah (may peace be upon him).

Abū Bakr said that the Companion who related to him that he saw the Apostle of Allah (may peace be upon him) at 'Araj that water was being poured on his head, on account of thirst or heat. The Apostle of Allah (may peace be upon him) was then told that some persons of the party were also fasting because of the Messenger's fasting. When the Apostle of Allah (may peace be upon him) reached Kadid, he sent for a cup of water and drank it and then the people also broke their fasts.

(594) Anas b. Mālik reported: We travelled with the Apostle of Allah (may peace be upon him) during Ramaḍān and he who fasted did not find fault in him who fasted not, neither did he who did not fast find fault in him who fasted

(595) 'Urwah b. Zubair reported: Ḥamzah b. 'Amr al-Aslamī told the Apostle of Allah (may peace be upon him): Apostle of Allah, I keep fasts; shall I keep them during travel? The Messenger of Allah (may peace be upon him) said to him: Fast if you like or do not if you so wish.

(596) Nāfi' reported that 'Abd Allah b. 'Umar did not observe fasts during travel.

(597) Hishām b. 'Urwah on the authority of his father reported: When he used to travel during Ramaḍān and we also travelled with him, 'Urwah used to observe the fasts and we did not, but he did not order us to observe the fasts.

Chapter 153

ONE WHO ARRIVES FROM OR PROCEEDS ON TRAVEL DURING RAMAḌĀN

(598) Mālik reported: When 'Umar b. al-Khaṭṭāb travelled in Ramaḍān and knew that he was going to enter the town that day before noon, he used to observe fast.

Chapter 154

PENALTY IN CASE OF A MAN WHO INTENTIONALLY BREAKS THE FAST IN RAMAḌĀN

(599) Abū Hurairah reported that a man broke his fast in Ramaḍān and the Apostle of Allah (may peace be upon him) ordered him to free a slave or to fast for two months continuously or to feed sixty needy persons. He said : I have not the means to do so. Just then, a basket of dates came to the Apostle of Allah (may peace be upon him). He said : Take these and give them away in charity. He answered : Apostle of Allah, there is none more needy than myself. The Apostle of Allah (may peace be upon him) laughed and laughed until his tooth gums could be seen and he said : Eat them yourself then.

(600) Sa'īd b. al-Musayyab reported that a rustic came to the Apostle of Allah (may peace be upon him) beating his breast and pulling at his hair and he was saying : Death to him who is far from righteousness ! The Apostle of Allah (may peace be upon him) asked him what the matter was. He said : I had intercourse with my wife during the fast of Ramaḍān. The Apostle of Allah (may peace be upon him) asked him whether he could free a slave. He said : No. He asked whether he could send a camel or a cow for sacrifice at the *Ḥajj*. He said : No. He (the Prophet) asked him to sit. Just then a basket of dates came to the Apostle of Allah (may peace be upon him). He said : Take these and give them away in charity. He answered : Apostle of Allah, there is none more needy than myself. He (the Prophet) asked him to eat them himself and observe fast for a day in lieu of what he had done.

Chapter 155

CUPPING ONESELF WHILE FASTING

(601) 'Abd Allah b. 'Umar reported that he used to have himself cupped during fasts. Later he left off the habit and did not have himself cupped until he had broken his fast.

(602) Ibn Shihāb reported that Sa'd b. Abī Waqqāṣ and 'Abd Allah b. 'Umar used to have themselves cupped during fasts.

(603) 'Urwah b. Zubair used to have himself cupped during fast and did not break his fast. Hishām said : I never saw 'Urwah having himself cupped but he would be fasting.

Chapter 156

FASTING ON THE DAY OF 'ĀSHŪRAH, 9 AND 10 MUḤARRAM

(604) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported that the Quraish used to observe fast on the day of 'Āshūrah in the days of Ignorance and the Apostle of Allah (may peace be upon him) used also to fast in the days of Ignorance. When he arrived at Medina, he observed the fast that day and ordered the people also to do likewise. When the fasts of Ramaḍān became obligatory, these alone were made obligatory and the 'Āshūrah fast was abandoned. Hence whosoever likes may fast that day and whoever likes may omit to do so.

(605) Ḥumaid b. 'Abd al-Raḥmān b. 'Auf reported that he heard Mu'āwiyah b. Abū Sufyān say that the year in which he performed the *Ḥajj*, he stood on the pulpit and said : O people of Medina, where are the learned amongst you ? I heard the Apostle of Allah (may peace be upon him) saying : This is the day of 'Āshūrah and fasting is not obligatory this day. I am fasting ; whoever likes may fast and whoever does not like may not.

(606) It reached Mālik that 'Umar b. al-Khaṭṭāb sent word to Ḥārith b. Hishām : Tomorrow is the fast of 'Āshūrah, keep fast yourself and order those of your household to fast too.

Chapter 157

FASTING ON 'ĪD DAYS

(607) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) prohibited from fasting on two days : the day of

'Īd al-Fiṭr and the day of 'Id al-Aḍḥā.

Chapter 158

ON THE PROHIBITION OF FASTING CONTINUOUSLY

(608) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) prohibited from observing continuous fasts. The people said : Apostle of Allah, you observe them continuously ? He said : I am not like you. I am given to eat and drink.

(609) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) declared : Avoid keeping continuous fasts. The people said : Apostle of Allah, but you keep fasts continuously. Then he replied : I am not like you. My Lord provides me with food and drink at night.

Chapter 159

FASTING UNDER A VOW AND FASTING ON BEHALF OF THE DEAD

(610) Yaḥyā reported on the authority of Mālik that it reached him that Sa'īd b. al-Musayyab was asked about a man who had vowed to observe a month's fasts, whether he should observe the voluntary *nafl* fasts. Sa'īd answered that he should observe the fasts of his vow prior to his observing *nafl* fasts.

(611) It reached Mālik that when 'Abd Allah b. 'Umar was asked whether a person could fast for another or one person could offer prayers for another. He replied that none should fast for another, nor perform prayer for another.

Chapter 160

ON OBSERVING *QAḌĀ'* AND *KUFFĀRAH* IN RAMAḌĀN—THE PENALTY

(612) Khālid b. Aslam reported that 'Umar b. al-Khaṭṭāb one day broke his fast in Ramaḍān when it was cloudy and it seemed to

him that evening had come and the sun had set. A man, however, came to him and said: The sun has come out. 'Umar said: The remedy is easy. We had acted on our discretion.[123]

(613) Nāfi' reported that 'Abd Allah b. 'Umar used to say that a man who should have missed the Ramaḍān fasts on account of sickness or travel, should observe the complementary fasts continuously.

(614) Ibn Shihāb reported that 'Abd Allah b. 'Abbās and Abū Hurairah held different views in respect of the *qaḍā*' fasts of Ramaḍān. One of them said: It is not needful to observe continuous fasts in respect of the *qaḍā*' fasts of Ramaḍān while the other thought continuous fasts to be necessary. (Ibn Shihāb said): I do not know which of the two held the one view and which the opposite.

(615) 'Abd Allah b. 'Umar used to say: For a man who vomits during fasts, the *qaḍā*' is obligatory for him, while for him who vomits involuntarily *qaḍā*' fast is not obligatory.

(616) Yaḥyā b. Sa'īd heard from Sa'īd b. al-Musayyab. He was asked about the fasts missed during Ramaḍān. Sa'īd replied that he would prefer if they were observed continuously.

(617) Ḥumaid b. Qais Makkī reported: I was with Mujāhid and we were circumambulating the House (Ka'bah). A man came and asked whether the fasts of penalty of an oath should be observed continuously or severally. Ḥumaid replied that if he liked he could observe them severally too! But Mujāhid said: Not severally, for the reading of Ubayy b. Ka'b is *thalāthati ayyāmin mutatābi'āt*, i.e. to fast three days continuously.

Chapter 161

ABOUT THE *QAḌĀ*' OF *NAFL* FASTS

(618) Ibn Shihāb reported that 'Ā'ishah and Ḥafṣah, wives of the Prophet (may peace be upon him), rose up at morning, and were observing voluntary fasts. When their share of food was brought, they broke their fasts. Just then came the Apostle of Allah (may peace be

123. He meant observing a *qaḍā*' fast.

upon him). 'Ā'ishah said: Ḥafṣah began talking to him, without allowing me to speak. After all, she was the daughter of her father and said: Apostle of Allah, I rose at morning and 'Ā'ishah too, and we were observing voluntary fasts and then was brought to us the share of meals and we broke our fasts. The Apostle of Allah (may peace be upon him) said: Observe a *qaḍā'* fast in compensation.

Chapter 162

THE *FIDYAH* OF ONE WHO COULD NOT FAST IN RAMAḌĀN

(619) It reached Mālik that Anas b. Mālik had grown so old that he could not fast in Ramaḍān. He, therefore, used to give *fidyāh.*[124]

(620) It reached Mālik that when 'Abd Allah b. 'Umar was asked in respect of a woman who was pregnant and was afraid on account of her state of pregnancy and could not fast, he said: She should not fast but give away one mudd of wheat for each fast, as the mudd of the Prophet (may peace be upon him).

(621) Qāsim b. Muḥammad is reported to have said: The person on whom the *qaḍā'* of Ramaḍān is obligatory and he should not have observed it, even though he was competent to have fasted until at last the next Ramaḍān arrived, should for every (*qaḍā'*) fast pay one mudd of wheat to one poor man and also observe *qaḍā'*.

(622) Mālik learnt likewise from Sa'id b. al-Jubair.

Chapter 163

ABOUT THE *QAḌĀ'* OF FASTS

(623) 'Ā'ishah, wife of the Prophet (may peace be upon him), said: When I had to observe *qaḍā'* fasts of Ramaḍān I could not do so until Sha'bān arrived.

124. Feeding one poor person in respect of each fast; at times Anas fed three poor persons and sometimes three hundred persons at a time.

Chapter 164

MISCELLANEOUS PROBLEMS ABOUT FASTS

(624) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported : The Apostle of Allah (may peace be upon him) used to observe fasts so frequently that we would begin to think he would not break (the continuity of) his fasts and then he broke his fasts so frequently that we would begin to think he would not fast. I never saw the Apostle of Allah (may peace be upon him) observing fasts on all days of the month except Ramaḍān and in no month so many as in Sha'bān.

(625) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) used to say : Fast is a shield and hence if any of you be fasting, he should not indulge in idle talk nor act in a wild manner, and if anyone should abuse you or quarrel with you reply simply : I am fasting, I am fasting.

(626) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) declared : By the Being in Whose possession is my life, the smell of the mouth of a man who is fasting is dearer to the Lord than the smell of musk, for (Allah says) : He relinquishes his passions, his food and his drink for My sake, his fast is for Me and I alone shall give him the reward. This virtue will be rewarded from ten to seven hundred times over but a fast is for Me alone and I alone shall reward him.

(627) Abū Hurairah reported : When Ramaḍān comes, the gates of Heaven are opened wide and the gates of Hell are closed and the Satans are bound in shackles.

Chapter 165

THE NIGHT OF *QADR*

(628) Abū Sa'īd Khudrī reported : The Apostle of Allah (may peace be upon him) used to sit in *i'tikāf* in the middle decime of Ramaḍān. One year he sat in *i'tikāf* and when the twenty-first night came he said : He who sat in *i'tikāf* with me would sit in *i'tikāf* for

ten days more in the last decime. I had discovered the night of *Qadr*, but I have been made to forget. I think that I saw that I was performing *sajdah* on the morning of the Night of *Qadr* in mud and water. Seek it. therefore, in the last ten days at odd nights. Abū Sa'id Khudrī reported that it rained in the same night, and the roof of the mosque was of leaves and bushes and it leaked. He adds: My eyes saw the Apostle of Allah (may peace be upon him) finishing his prayer and there were traces of dust and water on his forehead and nose, on the morning of the twenty-first night.

(629) 'Urwah b. Zubair reported: The Apostle of Allah (may peace be upon him) said: Seek ye the Night of *Qadr* in the last ten nights of Ramaḍān.

(630) 'Abd Allah b. 'Umar reported: The Apostle of Allah (may peace be upon him) said: Seek ye the Night of *Qadr* in the last ten nights of Ramaḍān.

(631) Abū Naḍr, freedman of 'Umar b. 'Ubaid Allah, reported that 'Abd Allah b. Unais al-Juhanī said to the Apostle of Allah (may peace be upon him): Apostle of Allah, my house is far off; fix one night so that I may pass that night in this mosque in devotion. The Apostle of Allah (may peace be upon him) said: Stay on the twenty-third night of Ramaḍān

(632) Anas b. Mālik reported: The Apostle of Allah (may peace be upon him) came and declared: I had found out the Night of *Qadr* but two persons raised up a hue and cry and I forgot. Seek it ye, therefore, in the twenty-first, twenty-third and twenty-fifth night or twenty-ninth, twenty-seventh or twenty-fifth night

(633) It reached Mālik that a few Companions of the Apostle of Allah (may peace be upon him) saw the Night of *Qadr* in a dream in the last seven nights of Ramaḍān. The Apostle of Allah (may peace be upon him) declared: I find that your dream accords with mine in respect of the last seven nights. Hence any of you who wishes to seek the Night of *Qadr* should seek it in the last seven nights.

(634) It reached Mālik that he heard from a trustworthy learned man who said: The Apostle of Allah (may peace be upon him) was told the ages of the ancient people, to the extent that the Lord desired

ed. He then considered the ages of the *ummah* to be shorter and thought that they would not be able to act equally well, and hence the Lord gave him the Night of *Qadr* that is better than a thousand nights.[124]

(635) It reached Mālik that Sa'īd b. al-Musayyab used to say: The man who attended the 'ishā' congregation on the Night of *Qadr* obtained the virtue and reward of that night.

124. This is one of the four *aḥādith* which are not recorded in other collections of *aḥādith*.

IV. KITAB AL-I'TIKAF

Chapter 166

ABOUT *I'TIKĀF*

(636) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported : When the Apostle of Allah (may peace be upon him) used to sit in *i'tikāf*, he would bend down his head towards me and I used to comb the hair. He would not enter the house but to answer the calls of nature.

(637) 'Amarah, daughter of 'Abd al-Raḥmān, reported : When 'Ā'ishah sat in *i'tikāf*, she would not stop to enquire after anybody in sickness but do it while walking.

(638) It is reported by Mālik that he asked Ibn Shihāb whether a person in *i'tikāf* may go to attend the calls of nature in a roofed house. He answered : Yes, there is no harm.

Chapter 167

THAT WITHOUT WHICH *I'TIKĀF* IS INCORRECT

(639) It reached Mālik that Qāsim b. Muḥammad and Nāfi', freedman of 'Abd Allah b. 'Umar, both used to say that *i'tikāf* without fasting is not valid, for the Lord has said in His Book :

كُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الْأَبْيَضُ مِنَ الْخَيْطِ الْأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتِمُّوا
الصِّيَامَ إِلَى اللَّيْلِ وَلَا تُبَاشِرُوهُنَّ وَأَنْتُمْ عٰكِفُونَ فِي الْمَسٰجِدِ (٢ : ١٨٧)

"Eat and drink until a white thread issues out of the black in the morning and then complete your fasts till night and do not embrace your wives when you are sitting in *i'tikāf* in the mosque" [ii. 187]

and the Lord hath spoken of *i'tikāf* with the fasts.

Chapter 168

GOING OUT FOR 'ID PRAYERS OF THE ONE WHO SAT IN *I'TIKĀF*

(640) Summayy, freedman of Abū Bakr, reported: When Abū Bakr b. 'Abd al-Raḥmān sat in *i'tikāf*, he would go to answer the call of nature in a roofed room which was kept closed in the house of Khālid b. Walīd and did not issue out of *i'tikāf* until he attended the 'Id with the Muslims.

Chapter 169

THE *QAḌĀ'* OF *I'TIKĀF*

(641) 'Amrah, daughter of 'Abd al-Raḥmān, reported: The Apostle of Allah (may peace be upon him) intended to sit in *i'tikāf*. When he came to the place where he desired to sit in *i'tikāf*, he found many tents there, one of 'Ā'ishah, another of Ḥafṣah and another of Zainab. He asked whose those tents were and was told that they were of 'Ā'ishah and Ḥafṣah and Zainab. He said: Do you expect good from these women? He then returned and did not sit in *i'tikāf* and sat in *i'tikāf* for ten days in Shawwāl.

(642) Ibn Shihāb reported: The Apostle of Allah (may peace be upon him), when in *i'tikāf*, would come into the houses to answer the calls of nature.[125]

125. According to Mālik one in *i'tikāf* should not accompany a bier, even if it be that of his father or mother

V. KITAB AL-ZAKAT

Chapter 170

WHEN *ZAKĀT* IS DUE

(643) Abū Sa'īd al-Khudrī reported that the Apostle of Allah (may peace be upon him) said: There is no *zakāt* on anything less than five camels and there is no *zakāt* on less than five ūqiyahs of silver and there is no *zakāt* for less than five wasqs of grain.[126]

(644) Abū Sa'īd al-Khudrı reported that the Apostle of Allah (may peace be upon him) said: There is no *zakāt* on less than five wasqs of dates and there is no *zakāt* on less than five ūqiyahs of silver and there is no *zakāt* on less than five camels.

(645) It reached Mālik that 'Umar b. 'Abd al-'Aziz wrote to his administrator at Damascus: *Zakāt* is leviable on gold, silver, agricultural product and livestock.

Chapter 171

ZAKĀT ON GOLD AND SILVER

(646) Muḥammad b. 'Uqbah, freedman of Zubair, told Qāsim b. Muḥammad that he had come to *muqāṭa'at* with his *mukātab* on a large property and asked whether *zakāt* was leviable on it. Qāsim b. Muḥammad replied that Abū Bakr Ṣiddiq never levied any *zakāt* on anything unless a year had passed over it. Qāsim b. Muḥammad reported that Abū Bakr Ṣiddıq, when giving stipends to people, used to ask them whether any *zakāt* was due from them. If they answered Yes, he would deduct the *zakāt* from the stipends, and if they

126. One ūqiyah — 40 dirhams
Five ūqiyahs —200 dirhams or 52½ tolas of silver
One wasq — 60 ṣā's
Five wasqs —300 ṣā's or 19 maunds (odd).

answered No, he paid them the stipends and deducted nothing from them.[127]

(647) Qudāmah b. Maẓ'ūn reported: When I used to go to 'Uthmān b. 'Affān to receive my annuity, he used to enquire whether I had with me anything on which *zakāt* was leviable. If I replied Yes, he deducted the *zakāt* from the amount and if I answered No, he paid me off my annuity.

(648) Nāfi' reported that 'Abd Allah b. 'Umar said that no *zakāt* was leviable on any property unless a full year had passed over it.

(649) Ibn Shihāb reported: Mu'āwiyah was the first to deduct *zakāt* from salaries.

Chapter 172

ZAKĀT ON MINES

(650) It is reported by several people that the Apostle of Allah (may peace be upon him) awarded to Bilāl b. Ḥārith Muzannī mines at Qabalīyyah situated towards Fur' and from these mines nothing was recovered to date except *zakāt*.

Chapter 173

ZAKĀT ON *RIKĀZ* (BURIED TREASURES)

(651) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said: One-fifth share would be recovered on treasure-trove.[128]

Chapter 174

EXEMPTION FROM *ZAKĀT*

(652) Qāsim b. Muḥammad reported: 'Ā'ishah, wife of the

127. *Mukāṭab* is a slave who agrees to the proposal of his master that if he pays him a certain quantity of goods within a stipulated period of time. he will be set free. *Muqāṭa'at* means that the slave agrees to pay cash in lieu of goods.

128. *Rikāz* is treasure-trove obtained from underground without much labour or expense. But if it is obtained by spending a large amount or great labour is required, or is not available regularly, then it will not be called *rikāz* and instead of one-fifth only *zakāt* would be leviable.

Prophet (may peace be upon him), brought up the orphan daughters of her brother under her care and they had jewellery. But she did not take out *zakāt* from their jewellery.

(653) Nāfi' reported : 'Abd Allah b. 'Umar gave his daughter and handmaids gold jewellery to wear and did not take out *zakāt* on their jewellery.

Chapter 175

ZAKĀT IN RESPECT OF THE PROPERTY OF ORPHANS AND TRADE FROM THEIR MONEY

(654) It reached Imām Mālik that 'Umar b. al-Khaṭṭāb declared that the property of the orphans should be invested in trade, so that *zakāt* might not consume it.

(655) Qāsim b. Muḥammad reported : 'Ā'ishah brought me up and my brother, and both of us were orphans under her care, and she used to take out *zakāt* from our property.

(656) It reached Mālik that 'Ā'ishah, wife of the Prophet (may peace be upon him), used to give the property of the orphans under her care to traders to do trade with it.

(657) Yaḥyā b. Sa'īd reported that he bought some merchandise for the orphan sons of his brother under his care and then sold it. It fetched a large amount (of profit).

Chapter 176

ZAKĀT ON INHERITANCE AND ON DEBTS

(658) Sā'ib b. Yazīd reported : 'Uthmān b. 'Affān used to say : This month is the month of your *zakāt* ; if any of you owes anything he should pay it, so that he may pay *zakāt* in respect of the remainder.

(659) Ayyūb b. Abī Tamīmat al-Sakhtiyānī reported : 'Umar b. 'Abd al-'Aziz wrote about a property which some Governors had taken away by force, asking them to restore it to its owner and to levy from it *zakāt* for the past years. Subsequently he wrote a letter to the

effect that *zakāt* for the past years should not be levied, for the property was *ḍimār*.[129]

(660) Yazīd b. Khuṣaifah reported that he asked Sulaimān b. Yasār about an individual who owned some property but was in debt equal to the value of the property, and enquired whether *zakāt* was leviable from him. He answered : No.

Chapter 177

ZAKĀT ON MERCHANDISE

(661) Zuraiq b. Ḥibbān, who was posted as a Customs Officer at the Egyptian custom house in the times of Walīd and Sulaimān and 'Umar b. 'Abd al-Azīz, reported that 'Umar b. 'Abd al-'Azīz wrote to him to the effect that he should recover from Muslims passing his way with merchandise a duty of one dīnār out of every 40 dīnārs, that is one-fortieth part, and if the value be less than that at the same rate until 20 dīnārs and if the value be less even by a one-third dīnār, he should give an exemption and collect nothing. If any of the *dhimmīs* (protected people) should pass along with any merchandise, he should levy one dīnār on every 20 dīnārs and if the value be lesser, he should levy at the same rate until 10 dīnārs, and if the value be less than 10 dīnārs even by a one-third dīnār he should be granted an exemption. And whatever duty he recovered a receipt should be issued in respect of the whole year.

Chapter 178

REGARDING *KANZ*

(662) 'Abd Allah b. Dīnār reported that he heard from 'Abd Allah b. 'Umar : Someone asked the definition of *kanz*. He replied that *kanz* was that property on which no *zakāt* was paid.

(663) Abū Hurairah is reported to be used to say that if a man

129. *Ḍimār* is a property of which there is no hope of realisation such as that which is taken away by a cruel Governor or taken as loan by a man who denies the transaction and there be no witness. Regarding *ḍimār* the rule is that *zakāt* is leviable from the date the property is got back until one year and is not leviable for the past years.

should have property and does not pay *zakāt*, that property will assume the shape of a bald serpent, with two black spots on his two eyes, which will seek out its owner on the Day of Judgment and consequently will meet him and say to him : I am thy *kanz* (on which he had not paid *zakāt*).

Chapter 179

ZAKĀT ON ANIMALS

(664) Mālik read the chapters about *Ṣadaqah* and *Zakāt* of the book of 'Umar b. al-Khaṭṭāb and said that he found in it : In the name of Allah, the Most Benevolent and Merciful. This book relates to the subject of *ṣadaqah*. Up to 24 she-camels, the *ṣadaqah*. for every 5 she-camels is one goat. When the number exeeds 24, but not 35, it is a year-old she-camel, and if one-year old she-camel is not available, a camel of two years. When the number is in excess of 35, but not over 45, a she-camel of two years, and up to 60 camels a she-camel three years old fit for breeding, and until 75 camels, a she-camel of four years, and up to 90 camels, two she-camels each of two years. When the number exceeds above, up to 120 camels, two she-camels of three years each, fit for purposes of breeding. Above 120, for every 40 camels, *ṣadaqah* of a she-camel of two years and for every 50 camels, a she-a camel of three years.

If the number of goats that pasture in the forest should reach the figure of 40, *zakāt* of one goat would be obligatory. This would hold good up till the number 120. If the number exceeds this, but not 200, two goats would be obligatory, then up till 300, three goats and thereafter for every 100 goats, the rate would be one goat. A ram would not be accepted in *ṣadaqah*, neither old and faulty animals. The collector should see that they are right and proper.

Separate flocks shall not be combined, nor should one flock be divided for fear of *ṣadaqah*. And if there be two co-owners, they shall divide equally the share in between them. If there be 5 ūqiyahs of silver, the fortieth part (would be leviable).

Chapter 180

ZAKĀT ON COWS AND BULLOCKS

(665) Ṭāwūs al-Yamānī reported: Mu'ādh b. Jabal al-Anṣārī took (as *zakāt*) a one-year old cow on 30 cows and a cow of two years on 40 cows and where the number was smaller, he took nothing saying: I have heard nothing from the Apostle of Allah (may peace be upon him) in this respect and shall enquire of him. Before Mu'ādh b. Jabal arrived, the Apostle of Allah (may peace be upon him) had died.

Chapter 181

COUNTING KIDS IN *ṢADAQAH* AS SHEEP OR GOATS

(666) Sufyān b. 'Abd Allah reported that 'Umar b, al-Khaṭṭāb sent him as collector. He began to take into account lambs also. They said: Do you count our kids also, but do not accept them in *zakāt*? They went to 'Umar b. al-Khaṭṭāb and gave an account of the case. 'Umar said: Yes, we take into account lambs, even those which the shepherd carries (in his arms), but we do not accept them (in *zakāt*) nor the fat sheep, fattened for food, nor the sheep which suckle their young, nor the pregnant ones, nor the males. We take only the sheep a year or two old but that which is of the normal size, between the slaughter-worthy and the excellent ones.

Procedure When Two Years'* Zakāt *is Due from a Person

In the case of a man who has 100 camels and the collector does not come so that the second year also passes and by the time the collector comes the man has only five camels, the rest having died, Mālik said: The collector would take *zakāt* on these five camels for two years, i.e. he would take two goats, for *zakāt* is leviable only on that which is present on the day of *zakāt*.

Chapter 182

PROHIBITION OF BEING HARSH ON PEOPLE IN MATTERS OF *ZAKĀT*

(667) 'Ā'ishah, wife of the Prophet (may peace be upon him), re-

ported: *Zakāt* goats were brought to 'Umar b. al-Khaṭṭāb, among which he found one to be a great milker. He asked the people: How is this goat? They said: It is a *zakāt* goat. 'Umar said: The owner could never have given it willingly. Do not put people in the way of mischief. Do not take way the best of the property of the Muslims and desist from depriving them of sustenance.

(668) Muḥammad b. Yaḥyā b. Ḥibbān reported: Two men of the tribe of Ashja' related to me that when there came to them Muḥammad b. Muslamat al-Anṣārī for the levy of *zakāt*, he used to call upon the owner of the property to bring over the *zakāt* of the property, and when the goats were brought he would accept those which were suitable enough for *zakāt*.

Mālik said: This is the practice of the Prophet (may peace be upon him) and found the learned of our city agreed on it that while recovering *zakāt* there should not be any harshness on Muslims and whatever they give should be accepted provided it is fit as *zakāt*.

Chapter 183

TO TAKE *ṢADAQAH* AND THOSE WHO ARE ENTITLED TO RECEIVE IT

(669) 'Aṭā' b. Yasār reported that the Apostle of Allah (may peace be upon him) said: *Zakāt* is not valid for (payment to) the rich excepting five persons: the *ghāzī* who fights in Allah's cause; the collector of *zakāt*, i.e. who collects *zakāt* and deposits it in the treasury; the indebted; he who buys *zakāt* property in exchange for his own; and the person whose neighbour is needy.

Chapter 184

SEVERITY ON THOSE NOT PAYING *ZAKĀT*

(670) Mālik reported Abū Bakr Ṣiddīq having said: If they do not give (*zakāt*) in payment even a rope for tying the camels, I shall fight against them.

(671) Zaid b. Aslam reported. 'Umar b. al-Khaṭṭāb once drank

milk. He found it nice and delicious in taste. He asked where the milk had come from. The man who had brought it said : I had gone to a water side—and he told its name—where *zakāt* animals were drinking water. The people milked them and then gave the milk to me and I kept it in my leathern bag and this is the same milk which you have drunk. 'Umar b. al-Khaṭṭāb put his hand in his mouth and vomited it out.

(672) It reached Mālik that a collector wrote to 'Umar b. 'Abd al-'Azīz complaining against a man who refused to pay *zakāt*. 'Umar wrote to let him alone and not to take *zakāt* from him with other Muslims. When the man heard of this, he felt pained and he paid the *zakāt* of his property. The collector then wrote to'Umar making mention of the fact and 'Umar wrote back (asking him) to take his *zakāt*.

Chapter 185

ZAKĀT ON FRUIT, DATES AND GRAPES

(673) Sulaimān b. Yasār and Busr b. Sa'īd reported : The Apostle of Allah (may peace be upon him) declared that *zakāt* to the extent of one-tenth is leviable on lands watered by rains, or lands under springs or tanks, and in respect of dates that do not require water ; on lands irrigated by water drawn out by moat, the *zakāt* leviable is one-twentieth.

(674) Ibn Shihāb reported : *Ju'rūr* (which on drying becomes dust) and *musirran al-farah* and *idhaq b. ḥalīq* will not be accepted in lieu of *zakāt* of dates. They are just like the goats that will be counted among the property of the owner, but they will not be accepted (as *zakāt*).

Chapter 186

ZAKĀT ON GRAINS AND OLIVES

(675) Mālik enquired of Ibn Shihāb about the levy in respect of olives[130] and he said that it was a tenth share.

130. By "olive" is meant the grain of olive from which oil is extracted. Olive oil is called *zait*.

Fruits Exempt from Zakāt

It is related by Mālik : If any person possesses four wasqs of dates, four wasqs of grapes, four wasqs of wheat and four wasqs of any grain, no *zakāt* is leviable on them even if they are added together until he possesses five wasqs of one kind of dates, or grapes or wheat. The Holy Prophet (may peace be upon him) said that on dates which are less than five wasqs no *zakāt* is leviable.

Mālik further related : If there are dates of many kinds and bear different names these will be added together and *zakāt* would be leviable if their weight comes to five wasqs. Mālik further related : In like manner, yellow and white wheat will be considered as one item and *zakāt* will be leviable if the weight comes to five wasqs. Again, black and red grapes will be added together for the purpose of *zakāt*. *Zakāt* would also be levied on *qiṭnīyyah*, i.e. on different kinds of lentils like gram, masūr, lobia and māsh, when they are put together and the weight comes to five wasqs. If two partners have each four wasqs of dates, no *zakāt* is payable.

Vegetables Exempt from Zakāt

Mālik said : There is no difference of opinion on the practice of—and we have heard the same from men of learning—not levying any *zakāt* on fruits or on vegetables.

Chapter 187

ZAKĀT ON MALE OR FEMALE SLAVES, HORSES AND HONEY

(676) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said that no *zakāt* was leviable on a Muslim in respect of his slave and his horse.

(677) Sulaimān b. Yasār reported : The people of Syria asked Abū 'Ubaidah b. al-Jarrāḥ to levy *zakāt* on their horses and slaves, but he refused. Then he wrote to 'Umar b. al-Khaṭṭāb and 'Umar also refused. They requested Abū 'Ubaidah again and he wrote to 'Umar and 'Umar wrote back : If they insist on giving *zakāt* it may be realised and distributed among their poor and be spent in feeding their slaves.

(678) 'Abd Allah b. Abū Bakr b. Ḥazm reported that an order of 'Umar b. 'Abd al-'Azīz was received by his father when he was at Minā to the effect that no *zakāt* should be levied on horses and honey.

(679) 'Abd Allah b. Dīnār reported : I asked Sa'īd b. al-Musayyab what the *zakāt* was in respect of Turkish horses, and he asked : Is

zakāt levied on horses too?

Chapter 188

JIZYAH FROM THE PEOPLE OF THE BOOK AND FROM THE MAGIS

(680) Ibn Shihāb reported: It reached me that the Apostle of Allah (may peace be upon him) levied *jizyah* on the Magis of Baḥrain and that 'Umar b. al-Khaṭṭāb levied *jizyah* on the Magis of Iran and that 'Uthmān b. 'Affān levied *jizyah* on the Berbers.[131]

(681) Muḥammad b. 'Alī b. Ḥusain (Imām Muḥammad Bāqir) reported that 'Umar b. al-Khaṭṭāb, referring to the Magis, said: I do not know what to do in respect of them. Then said 'Abd al-Raḥmān b. 'Auf: I stand witness that I heard the Apostle of Allah (may peace be upon him) saying: Deal with them as you deal with the People of the Scriptures.[132]

(682) Aslam, the freedman of 'Umar b. al-Khaṭṭāb, reported: 'Umar b. al-Khaṭṭāb imposed *jizyah* on the people of gold (who dealt in gold) to the extent of four dīnārs annually and on the people of silver (who dealt in silver) forty dirhams annually and in addition imposed the condition that they should feed hungry Muslims, and to entertain for three days any Muslim who comes to them as a guest.

(683) Aslam 'Adawī reported that he informed 'Umar b. al-Khaṭṭāb that there was a blind she-camel in the camel stables. 'Umar ordered: Give it away to some householder who may benefit by it. I said: It is blind. 'Umar said: It can be tethered in the camel rows. I asked: How could it graze from the land? 'Umar asked: Is it of *jizyah* animals or from *ṣadaqah* animals? I said: It is a *jizyah* animal. 'Umar said: By the Lord, you intend to eat it. I said: No, it carries the marks of *jizyah* on it. 'Umar ordered it to be slaughtered and it was slaugh-

131. Isrā'īlīs and Christians are called *Ahl al-Kitāb* because the former have Taurāt and the latter have Injīl (Bible). Both of these books were revealed to Ḥaḍrat Mūsā and Ḥaḍrat 'Īsā. Magis are non-Muslims like fire-worshippers, Hindus, Buddhists, Sikhs, etc., and possess no revealed scripture.

132. There are two exceptions, firstly, that animals salughtered by Magis are not acceptable, secondly, that marriage with Magi women is not permissible. But meat of the animals slaughtered by the People of the Book and marriage with their women are not prohibited.

tered. He had nine trays Whenever any fruit or good thing was received, he used to put it in those trays and send them to the wives of the Holy Prophet (may peace be upon him) and in the last he would send to Ḥafsah, his daughter. Now he sent the meat in nine trays to the wives of the Holy Prophet (may peace be upon him) and whatever remained he ordered it to be cooked and invited all the *Muhājirīn* and *Anṣār*.[133]

(684) It reached Mālik that 'Umar b. 'Abd al-'Azīz wrote to his collectors ordering that *jizyah*-paying people who became Muslims should be exempted from *jizyāh*.[134]

Chapter 189

LEVY OF ONE-TENTH ON THE *DHIMMĪS*

(685) 'Abd Allah b. 'Umar reported : 'Umar b. al-Khaṭṭāb used to take one-twentieth share of wheat and olive-oil from the unbelievers of Nabṭ so that the imports of Medina may increase. He used to take tenth share on *qiṭmīyyah*.

(686) Sā'ib b. Yazīd reported: I was the marketing officer at Medina, with 'Abd Allah b. 'Utbah b. Mas'ūd in the days of 'Umar b. al-Khaṭṭāb. We used to take one-tenth share from the unbelievers of Nabt.

(687) Mālik enquired of Ibn Shihāb the reason of taking one-tenth

133. Mālik said that *jizyah* animals would be accepted from those non-believers who possessed animals.

134 Mālik said : According to the *Sunnah* (of the Prophet), *jizyah* will not be recovered from the women and children of the People of the Book, but will be recovered from male adults Said Mālik : No *zakāt* will be levied on date-trees, grape-creepers, cultivation and animals of *dhimmīs* and Magis because *zakāt* is compulsory for Muslims alone to purify their belongings and in order to distribute among the poor, and *jizyah* is payable by the People of the Book. As long as they reside in the place where peace is made with them, nothing will be recovered from them except *jizyah*. But if they roam about in Muslim territories doing trade, in that case one-tenth of their goods in trade will be recovered from them. The *jizyah* was imposed on them and it was agreed in peace terms that they would be given protection against their enemy. If any one of them left his city with a view to doing trade anywhere else, one-tenth would be recovered from him, for example, Egyptians go to Syria and Syrians go to Iraq, 'Irāqīs to Medina or to Yemen they are liable to pay one-tenth. The People of the Book and Magis are exempt from this condition. The animals, fruits cultivation of the People of the Book and Magis are exempt from payment of *zakā'*

share from Nabṭians. Ibn Shihāb answered that in the Days of Ignorence one-tenth share was being taken from them and 'Umar b. al-Khaṭṭāb continued the practice.

Chapter 190

REGARDING PURCHASE OR TAKING BACK OF *ZAKĀT* ONCE GIVEN

(688) Aslam al-'Adawī reported : I head 'Umar b. al-Khaṭṭāb saying : I gave a splendid horse to a man in the way of the Lord, but he spoiled it. I intended, therefore, to buy it back from him and thought that he would sell it cheep. I asked the Apostle of Allah (may peace be upon him) about it and he declared : Do not buy it, even if he sells it to you for one dirham, for the man who gives *ṣadaqah* and takes it back is like the dog which vomits and eats it again.

(689) 'Abd Allah b. 'Umar reported : 'Umar b. al-Khaṭṭāb gave away a horse in the way of the Lord, and then intended to purchase it. He asked the Apostle of Allah (may peace be upon him) about it. He told him : Do not purchase it and do not reverse your *ṣadaqah*.[135]

Chapter 191

ABOUT THOSE ON WHOM THE *ṢADAQAH* OF *FIṬR* IS OBLIGATORY

(690) Nāfi' reported : 'Abd Allah b. 'Umar used to give the *ṣadaqah* of *fiṭr* on behalf of his slaves who were in the *wādi* of Qurā and Khaibar.[136]

135. Yaḥyā said : Imām Mālik was told that a man gave a *ṣadaqah*, then he found it being sold to somebody, other than the one to whom *ṣadaqah* was given. He was asked whether he (who gave the *ṣadaqah*) could purchase it. Imām Mālik said : No ; it is better not to purchase it.

136. *Wādi* of Qurā is a place near Medina and Khaibar is at a distance of four days' journey from Medina towards Syria. Mālik said : What I have heard in this respect is that *ṣadaqah* of *fiṭr* is payable on behalf of such persons as are dependent on anyone and whose maintenance is his responsibility. A man should pay *ṣadaqah* of *fiṭr* on behalf of his slaves, present or absent, and his staff, but they must be Muslims

Chapter 192

THE AMOUNT OF *ṢADAQAH* OF *FIṬR*

(691) 'Abd Allah b. 'Umar reported: The Apostle of Allah (may peace be upon him) fixed for the people the *ṣadaqah* of *fiṭr* of the month of Ramaḍān to the extent of one ṣā' of dates and one ṣā' of barley for Muslims, free or slave, man or woman.

(692) 'Ayāḍ b. 'Abd Allah heard from Abū Sa'īd Khudrī: We used to take out the *ṣadaqah* of *fiṭr* to the extent of one ṣā' of foods or one ṣā' of wheat or one ṣā' of barley or one ṣā' of dates or one ṣā' of cheese or one ṣā' of raisins, measured by the ṣā' of the Apostle of Allah (may peace be upon him).[137]

(693) Nāfi' reported: 'Abd Allah b. 'Umar used always to give dates as *ṣadaqah* of *fiṭr* but on one occasion he gave barley.[138]

Chapter 193

THE TIME OF SENDING *ṢADAQAH* OF *FIṬR*

(694) Nāfi' reported: 'Abd Allah b. 'Umar used to send the *ṣadaqah* of *fiṭr* two or three days before the 'Īd, to the man appointed to collect the *ṣadaqah* of *fiṭr*.

About Those Exempted from the Ṣadaqah *of* Fiṭr

Mālik said: *Ṣadaqah* of *fiṭr* is leviable on one's slaves and one's servants and on the slave of one's wife. But it will be levied on any one of them who serves him. Mālik said: On those slaves who are non-believers no *ṣadaqah* of *fiṭr* is leviable until they adopt Islam.

137. That ṣā' is of four mudds and each mudd of one raṭl or one-third of a raṭl.

138. Mālik said that all *ṣadaqah* and *zakāt* should be given in small mudd, i.e. according to the mudd of the Holy Prophet (may peace be upon him).

VI. KITAB AL-HAJJ

Chapter 194

BATHING BEFORE PUTTING ON *IḤRĀM*

(695) Asmā', daughter of 'Umais, reported that she gave birth to Muḥammad b. Abū Bakr at Baiḍā'. Abū Bakr informed the Apostle of Allah (may peace be upon him) of the event and he said that she should take a bath and put on *iḥrām*.[139]

(696) Sa'īd b. al-Musayyab reported that when Asmā', daughter of 'Umais, gave birth to Muḥammad b. Abū Bakr at Dhū al-Ḥulaifah, Abū Bakr asked her to take a bath and put on *iḥrām*.[140]

(697) Nāfi' reported: 'Abd Allah b. 'Umar used to take a bath before putting on *iḥrām* before entering Mecca as also on the 9th for halting at 'Arafāt.

Chapter 195

THE BATH OF A *MUḤRIM*[141]

(698) 'Abd Allah b. Ḥunain reported: 'Abd Allah b. 'Abbās and Miswar b. Makhrimah differed in opinion at Abwā.'[142] 'Abd Allah b. 'Abbās said that the *muḥrim* could wash his head, but Miswar b. Makhrimah said that the *muḥrim* should not wash his head, and 'Abd Allah b. Ḥunain said: 'Abd Allah b. 'Abbās then sent me to Abū Ayyūb al-Anṣārī. I found him bathing between two sticks which were fixed on a wall and he was hidden by a screen of cloth. I greeted him and he asked: Who is it? I said: I am 'Abd Allah b. Ḥunain, and I have

139. It is evident from this *ḥadith* that women during their menses and during delivery period (when they have not completed the customary period of five weeks) can put on *iḥrām*, but they should not say the prayers.

140. Baiḍā' and Dhū al-Ḥulaifah are names of places near Medina. Asmā' was the wife of Abū Bakr.

141. *Muḥrim* is a person who has put on *iḥrām* for *Ḥajj* or '*Umrah*.

142. A place between the Haramain.

been sent to you by 'Abd Allah b. 'Abbās to enquire of you how the Apostle of Allah (may peace be upon him) bathed when he was a *muḥrim*. Abū Ayyūb put his hand on the cloth and moved it aside from his head, so that I could see his head. He then asked the man who was pouring water on him to pour water. The man then poured water on his head and Abü Ayyūb rubbed his head with both his hands, moved them forward and then backward and said: This is how I saw the Apostle of Allah (may peace be upon him) doing

(699) 'Aṭā' b. Abī Rabāḥ reported: 'Umar b. al-Khaṭṭāb asked Ya'lā b. Munabbih, who used to pour water when 'Umar bathed: Pour water on my head. Ya'lā said: You want that the sin should be on my head. If you order me I shall do it. 'Umar said: Pour, for by pouring water, nothing else would happen but the hair would be still more ruffled.[143]

(700) Nāfi' reported: When 'Abd Allah b. 'Umar approached near Mecca, he would stop at Dhi Ṭuwā[144] between two hillocks until it was morning when he would say his morning prayer and enter Mecca from the side of that hillock which is above Mecca, and when he came with the intention of *Ḥajj* or *'Umrah*, he did not enter Mecca until he bathed at Dhi Ṭuwā and ordered those with him also to take bath before entering Mecca.

(701) Nāfi' reported that 'Abd Allah b. 'Umar did not wash his head in the state of *iḥrām* except in case of nocturnal emission.

Chapter 196

THE CLOTHES NOT PERMITTED TO BE WORN DURING *IḤRĀM*

(702) 'Abd Allah b. 'Umar reported: A man asked the Apostle of Allah (may peace be upon him) as to what clothes a *muḥrim* should wear. The Apostle of Allah (may peace be upon him) replied: Do not wear a shirt, nor tie a turban, nor put on trousers, nor a cap nor

143. Ḥaḍrat 'Umar was wearing the *iḥrām* and Ya'lā supposed that a *muḥrim* should not wash his head. He apprehended that perhaps lice might die or hair might break. 'Umar ordered him to pour water because by pouring water neither lice die nor do the hair break.

144. A village near the gate of Mecca.

shoes except when you could not get sandals in which case you may wear shoes, but they should be cut so that the ankles may be visible. Do not wear clothes in which saffron should have been applied nor *wars*.[145]

Chapter 197

ON WEARING COLOURED CLOTHES IN *IḤRĀM*

(703) 'Abd Allah b. Dīnār reported: The Apostle of Allah (may peace be upon him) prohibited in the state of *iḥrām* the wearing of clothes coloured in saffron or *wars* and declared that he who should not get sandles may wear shoes but they should be cut so as to show ankles.

(704) Nāfi' reported that he heard from Aslam, the freedman of 'Umar b. al-Khaṭṭāb, who reported from 'Abd Allah b. 'Umar that 'Umar b. al-Khaṭṭāb saw Ṭalḥah b. 'Ubaid Allah wearing coloured clothes in the state of *iḥrām* and asked: O Ṭalḥah, is this cloth of yours coloured? Ṭalḥah replied: O Commander of the Faithful, this is the colour of earth. 'Umar replied: You are the leader and the people imitate you. If an ignorant man, who should not know this colour, sees it, he will say that Ṭalḥah b. 'Ubaid Allah was wearing coloured clothes in the state of *iḥrām*. Hence none of you shall wear any coloured clothes while in *iḥrām*.

(705) Asmā', daughter of Abū Bakr, used to wear dark *kassum*-coloured clothes in a state or *iḥrām*, but there used to be no saffron in it.[146]

Chapter 198

WEARING OF BELT BY THE *MUḤRIM*

(706) Nāfi' reported that 'Abd Allah b. 'Umar considered it repugnant to tie a belt in the state of *iḥrām*.

(707) Yaḥyā b Sa'id reported that he heard Sa'id b. al-Musayyab

145. *Wars* is a kind of scented grass with which clothes were dyed.

146. Sa'id b. Manṣūr reported it from Qasim b. Muḥammad that 'Ā'ishah, Mother of the Faithful, also used to wear clothes coloured with *kassum* while in *iḥrām*.

saying that if a *muḥrim* should tie a belt under his dress, there is no harm if there are leather bands at both its ends which could be bound together.

Chapter 199

ABOUT COVERING OF FACE BY THE *MUḤRIM*

(708) Farāfiṣah b. 'Umair al-Ḥanafī reported that he saw 'Uthmān b. 'Affān at 'Arj,[147] covering his face in the state of *iḥrām*.[148]

(709) Nāfi' reported that 'Abd Allah b. 'Umar used to say: What is above the chin is part of the head and the *muḥrim* should not cover it.

(710) Nāfi' reported that 'Abd Allah b. 'Umar wrapped his dead son, Wāqid b. 'Abd Allah, who had died at Juḥfah in a state of *iḥrām*. 'Abd Allah said : If we had not been in *iḥrām* we would have applied scents. He covered his face and head.

(711) Nāfi' reporeted that 'Abd Allah b. 'Umar used to say that a woman in *iḥrām* should not put a veil on her face, nor wear gloves.

(712) Fāṭimah, daughter of Mundhir, reported : We used to cover our faces in the state of *iḥrām*, and Asmā', daughter of Abū Bakr Ṣiddiq, was also with us, but she did not prohibit us from it.

Chapter 200

TO APPLY SCENTS IN *IḤRĀM*

(713) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported : I used to apply scent at the time of putting *iḥrām* of the Apostle of Allah (may peace be upon him) prior to putting on the *iḥrām* and at the time of putting off the *iḥrām*, prior to the circling round the House.

(714) 'Aṭā' b. Abī Rabāḥ reported : A rustic came to the Apostle of Allah (may peace be upon him) when he was at Ḥunain. The man

147. 'Arj is a village three stages from Medina.

148. Ibn 'Abbās, Ibn 'Auf, Ibn Zubair, Zaid b. Thābit, Sa'īd, Jābir and Shāfi'ī unanimously say that it is in order to cover the head and face on account of excessive heat. According to Mālik, Abī Ḥanīfah and Muḥammad b. al-Ḥasan, this is not allowed.

was wearing a shirt with a yellow spot on it. He said: Apostle of Allah, I have intended to go for *'Umrah*. What shall I do? The Apostle of Allah (may peace be upon him) said: Take off your shirt and wash the yellow (spot) off and do in *'Umrah* what you do in *Ḥajj*.

(715) Aslam, freedman of 'Umar b. al-Khaṭṭāb, reported that 'Umar smelt a scent when he was at Shajarah.[149] He asked as to from whom the scent came. Mu'āwiyah b. Abū Sufyān answered: From me, O Amīr al-Mū'minīn. 'Umar said: Yes, by the Lord, go and wash it away. Mu'āwiyah replied: Umm Ḥabībah applied it to me, O Commander of the Believers. 'Umar replied: I abjure thee, go and wash it off.

(716) Ṣalt b. Zubaid reported that he heard from many a relation of his that 'Umar b. al-Khaṭṭāb smelt scent while he was at Shajarah and by his side was Kathīr b. Ṣalt. 'Umar said: From where is this scent coming? Kathīr answered: From me, I have fixed my hair for I did not intend to shave my head after putting off the *iḥrām*. 'Umar said: Go to the *sharaboh*[150] and rub your head and wash it off. Kathīr b. Ṣalt obeyed.

(717) Yaḥyā b. Sa'īd and 'Abd Allah b. Abū Bakr and Rabī'ah b. 'Abd al-Raḥmān reported that Walīd b. 'Abd al-Malik enquired of Sālim b. 'Abd Allah and Khārijah b. Zaid whether it was allowed to apply scent after throwing pebbles and shaving the head and before *Ṭawāf al-Ifāḍah*. Sālim prohibited it and Khārijah b. Zaid b. Thābit allowed it.[151]

Chapter 201

THE TIMES OF PUTTING ON *IḤRĀM*

(718) 'Abd Allah b. 'Umar reported that the Apostle of Allah

149. Shajarah is six miles from Medina.

150. *Sharabah* is a pit full of water near a date tree.

151. Abū Ḥanīfah supports the view of Khārijah and Mālik agrees with the view of Sālim. Mālik said: If anyone applies oil without scent in it before putting on *iḥrām* or before performing *Ṭawāf al-Ifāḍah* or after throwing the pebbles, there is no harm.

Yaḥyā said it was asked of Imām Mālik: Can a *muḥrim* eat food which contains saffron. He answered that if it is cooked on fire it can be eaten but not otherwise.

(may peace be upon him) declared that the people of Medina should put on *iḥrām* from Dhū al-Ḥulaifah, the people of Syria from Juḥfah, the people of Najd from Qarn. 'Abd Allah b. 'Umar learnt that the Apostle of Allah (may peace be upon him) said : The people of Yemen should put on their *iḥrām* from Yalamlam.

(419) 'Abd Allah b. 'Umar reported : The Apostle of Allah (may peace be upon him) ordered the people of Medina to put on their *iḥrām* at Dhū al-Ḥulaifah and the people of Syria from Juḥfah, the people of Najd from Qarn. 'Abd Allah b. 'Umar said : I heard these three from the Apostle of Allah (may peace be upon him) and I got information that the Apostle of Allah (may peace be upon him) said : The people of Yemen should put on *iḥrām* from Yalamlam.[152]

(720) Nāfi' reported that 'Abd Allah b. 'Umar put on *iḥrām* from Fara'.[153]

(721) It reached Mālik from a reliable source that 'Abd Allah b. 'Umar put on his *iḥrām* from Bait al-Muqaddas.

(722) It reached Mālik that the Apostle of Allah (may peace be upon him) put on *iḥrām* for '*Umrah* at Ji'rānah.[154]

Chapter 202

ABOUT SAYING *LABBAIK* AND THE METHOD OF PUTTING ON *IḤRĀM*

(723) 'Abd Allah b. 'Umar reported : The *Labbaik* of the Apostle of Allah (may peace be upon him) was :

لَبَّيْكَ اللّٰهُمَّ لَبَّيْكَ لَبَّيْكَ لَاشَرِيْكَ لَكَ لَبَّيْكَ اِنَّ الْحَمْدَ وَالنِّعْمَةَ لَكَ وَالْمُلْكُ لَاشَرِيْكَ لَكَ

"O Lord ! I attend Thy Presence again and again, O Lord ! I attend Thy Presence again and again. I attend Thy Presence again and again. There is none like

152. To cross these places without putting on *iḥrām* is strictly prohibited (is *ḥarām*) and would be liable to prescribed *damm*. If, however, they go back to the prescribed places and put on *iḥrām* there would not be liability of *damm*.

153. Fara' is a place beyond Dhū al-Ḥulaifah in the direction of Mecca. Imām Muḥammad said that there was another place—*Miqāt* called Juḥfah. Perhaps for this reason he crossed over to Fara' but it is better to put on *iḥrām* from Ḍhū al-Ḥulaifah.

154. Ji'rānah is a place between Ṭā'if and Mecca.

unto Thee, I attend to do Thy service again and again. All Praise is to Thee, all Wealth is Thine, all Power and Domain is Thine, Thou hast no Partner"

and 'Aod Allah b. 'Umar used to add to it :

لَبَّيْكَ لَبَّيْكَ لَبَّيْكَ وَسَعْدَيْكَ وَالْخَيْرُ بِيَدَيْكَ لَبَّيْكَ وَالرَّغْبَى إِلَيْكَ وَالْعَمَلُ ؞

"I attend Thy Presence again and again, I attend Thy Presence again and again, I obey Thee again and again. In Thy hands is welfare, I attend Thy Presence again and again. My destination is Thee and my actions have Thee as their objective."

(724) Hishām b. 'Urwah reported from his father : The Apostle of Allah (may peace be upon him) used to say two-*rak'ah* prayer at the mosque of Dhū al-Ḥulaifah, and when he mounted his camel he used to call aloud *Labbaik.*[155]

(725) Mūsā b. 'Uqbah heard from Sālim b. 'Abd Allah, who got it from his father : This is the place where you speak false of the Apostle of Allah (may peace be upon him) that he put on his *iḥrām* here, whereas be said *Labbaik* near the mosque of Dhū al-Ḥulaifah.

(726) 'Ubaid b. Jarij reported that he said to 'Abd Allah b. 'Umar : O Abū 'Abd al-Raḥmān, I saw you doing four things which none of your companions does. 'Abd Allah b. 'Umar asked : What are they, tell me, O Abū Jarij ? He replied : I saw thee touching nothing during the *ṭawāf* except Rukn Yamāni and Ḥajr Aswad ; I saw thee wearing shoes of leather which have no hair ; I saw thee dyeing your hair yellow and I saw thee in Mecca that while the people there put on *iḥrām* as soon as they saw the moon and thou put it only on the 8th. 'Abd Allah b. 'Umar replied : As for the *arkān* I never saw the Apostle of Allah (may peace be upon him) touching anything except the Ḥajr Aswad and Rukn Yamāni. As regards the shoes, I saw the Apostle of Allah (may peace be upon him) wearing these without hair. He used to wear them even after ablution and hence I too like to wear them. In the case of the yellow dye, I saw the Apostle of Allah (may peace be upon him) dyeing his hair with that colour and, therefore, I also like it. In the matter of *iḥrām*, I never saw the

155. It is in accordance with the *Sunnah* of the Holy Prophet (may peace be upon him) to call aloud *Labbaik* after mounting the camel and not after the *iḥrām* prayer.

Apostle of Allah (may peace be upon him) crying out *Labbaik*, until the camel stood out straight for the start.[156]

(727) Nāfi' reported that 'Abd Allah b. 'Umar used to say his prayer at the mosque of Dhū al-Ḥulaifah, then came out and mounted his camel and put on *iḥrām*.

(728) It reached Mālik that 'Abd al-Malik b. Marwān called out *Labbaik* from the mosque of Dhū al-Ḥulaifah when his camel stood up straight for the start and Abān b. 'Uthmān had asked him to do so.

Chapter 203

ABOUT SAYING *LABBAIK* LOUDLY

(729) Sā'ib b. Khallād Anṣārī reported that the Apostle of Allah (may peace be upon him) said : There came to me Gabriel and asked me to order my Companions and those who were with me to utter *Labbaik* aloud.[157]

Chapter 204

ḤAJJ IFRĀD (COMBINING *ḤAJJ* AND *'UMRAH* IN ONE *IḤRĀM*)

(730) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported : We went out with the Apostle of Allah (may peace be upon him) in the year of the *Ḥajjat al-Widā'*. Some of us put on *iḥrām* for *'Umrah* and some for both *Ḥajj* and *'Umrah*. The Apostle of Allah (may peace be upon him) put on *iḥrām* for *Ḥajj* only. Those who intended *'Umrah* only put off *iḥrām* after it, and those who had put it on for *Ḥajj* or for *Ḥajj* and *'Umrah* did not put it off until the day of the sacrifice (the 10th of Dhū al-Ḥijjah).

(731) 'Ā'ishah reported that the Apostle of Allah (may peace be

156. "This happens on the 8th, hence I put on the *iḥrām* on that date."

157. Mālik explained this order was not meant for women. They should say *Labbaik* in a low voice so that they alone could hear it

upon him) performed *Ḥajj* only.[158]

Chapter 205

ḤAJJ QIRĀN[159]

(732) Muḥammad Bāqir reported: Miqdād b. Aswad came to 'Alī b. Abī Ṭālib at Suqyā when he was feeding the young ones of his camel with flour mixed with fodder and water and told him that 'Uthmān b. 'Affān was prohibiting *qirān* between *Ḥajj* and *'Umrah*. At this 'Alī went to 'Uthmān while his hands were still marked with flour and fodder, and I have not forgotten these marks yet, and asked 'Uthmān : Do you prohibit people from *qirān* between *Ḥajj* and *'Umrah*? He said : Yes, that is my opinion. Then 'Alī came out in great anger, crying out: O Lord, I attend Thy Presence again and again, I attend Thy Presence again and again for *Ḥajj* and *'Umrah*.

(733) Sulaimān b. Yasār reported that the Apostle of Allah (may peace be upon him) issued out in the year of the *Ḥajjat al-Widā'* for performing *Ḥajj*. Some of his Companions put on *iḥrām* for *Ḥajj* and some for both *Ḥajj* and *'Umrah* and some for *'Umrah* only. Those who had put on *iḥrām* for *Ḥajj* or both *Ḥajj* and *'Umrah* did not put off their *iḥrām* and those who had put it on for *'Umrah* only, put it off after *'Umrah*.

Chapter 206

TO ABANDON *TALBĪYAH*

(734) Muḥammad b. Abū Bakr Thaqafī enquired of Anas b. Mālik when they were both proceeding in the morning from Minā to 'Arafāt: What did you use to do on this day with the Apostle of

158. To put on *iḥrām* for *'Umrah* from the *miqāt* or a place appointed for putting on *iḥrām*, and then to put on *iḥrām* for *Ḥajj* at Mecca during the *Ḥajj* days is called *tamattu'*. To put on *iḥrām* for both *'Umrah* and *Ḥajj* from the *miqāt* is called *qirān*. In this after performing *'Umrah*, the pilgrim stays at Mecca with *iḥrām* and puts it off after *Ḥajj*. To put on *iḥrām* for *Ḥajj* only from the *miqāt* is called *ifrād*.

159. For *qirān*, see above footnote.

Allah (may peace be upon him)? He replied : Some of us used to cry out *Labbaik* loudly on this day and nobody prohibited them and some used to say *takbīr* and nobody prohibited them.

(735) Muḥammad Bāqir reported that 'Alī b. Abī Ṭālib used to say *Labbaik* in *Ḥajj*, but when the sun declined on the day of 'Arafah he stopped saying it.

(736) 'Ā'ishah, wife of the Prophet (may peace be upon him), used to stop saying *Labbaik* when she arrived at 'Arafāt.

(737) Nāfi' reported that 'Abd Allah b. 'Umar used to stop saying *Labbaik* in *Ḥajj* when he arrived at the House and made the *ṭawāf*, and ran between Ṣafā' and Marwah, he began *Labbaik*. When he started in the morning from Minā to 'Arafāt, and when the next day he proceeded to 'Arafāt he stopped saying *Labbaik*. In the course of *'Umrah*, he stopped saying *Labbaik* at the time of entering the House.

(738) Ibn Shihāb used to say that 'Abd Allah b. 'Umar did not say *Labbaik* during his *ṭawāf* of the House.

(739) 'Ā'ishah, Mother of the Faithful, reported that when she would arrive at 'Arafāt, she would stay at Namrah,[160] and later she began to stay at Arāk.[161] As long as she was at home she and her companions used to say *Labbaik* and when she mounted she stopped saying it. After *Ḥajj* she used to perform *'Umrah*, after putting on *iḥrām* at Mecca in Dhū al-Ḥijjah. Later on, she left off this practice and she would arrive at Juḥfah before the crescent of Muḥarram and after seeing the moon she used to put on *iḥrām* for *'Umrah*.

(740) Yaḥyā b. Sa'īd reported that when 'Umar b. 'Abd al-'Azīz left Minā for 'Arafāt on the morning of the 9th, he heard the noise of *takbīr* spoken aloud. He sent his men to announce to all that this was the time for saying *Labbaik*.

160. Namrah is the name of a place near 'Arafāt.

161. Arāk is a village in 'Arafāt.

Chapter 207

IḤRĀM FOR THE PEOPLE OF MECCA AND FOR PEOPLE FROM OTHER COUNTRIES STAYING IN MECCA

(741) Qāsim b. Muḥammad reported that 'Umar b. al-Khaṭṭāb said : O people of Mecca, men come here from afar with dishevelled hair and in a state of troubled mind, but you have oiled your hair. When you see the moon of Dhū al-Ḥijjah, you too should put on *iḥrām*.[162]

(742) 'Urwah b. Zubair reported that 'Abd Allah b. Zubair lived in Mecca for nine years. Whenever he saw the moon of Dhū al-Ḥijjah he would put on *iḥrām*; 'Urwah b. Zubair used to do the same.[163]

Chapter 208

HANGING ANYTHING IN THE NECK OF *HADĪ*[164] ANIMAL FOR IDENTIFICATION

(743) 'Amrah, daughter of 'Abd al-Raḥmān, reported : Ziyād b. Abū Sufyān wrote to 'Ā'ishah, wife of the Holy Prophet (may peace be upon him) : 'Abd Allah b. 'Abbās says that for the man who sent *hadī* (the sacrificial animal), all those things become invalid that are invalid for a *muḥrim* (one in *iḥrām*) until the time the animal is sacrificed. I have sent a *hadī* to you. Write to me your *fatwā* (legal opinion) or send word through the man who brings the *hadī* to you. 'Amrah said that 'Ā'ishah declared : It is not as Ibn 'Abbās says. I had with my own hands made garlands for the *hadī* of the Apostle of Allah (may peace be upon him) and the Apostle of Allah (may peace be

162. 'Abd Allah b. 'Umar used to put on *iḥrām* on the 8th and now the custom is that the inhabitants of Mecca and those from other countries resident in Mecca put on *iḥrām* on the 8th.

163. Mālik said that the residents of Mecca or people staying in Mecca for some time but not settled there should all put on their *iḥrām* from the House of God. Mālik also stated that anyone putting on *iḥrām* for *Ḥajj* from Mecca should not perform *ṭawāf* and *sa'i* until he comes back from Minā. 'Abd Allah b. 'Umar did the same.

164. *Hadī* is that animal which is sent to Mecca for sacrifice and something is tied to the neck of the animal to identify it as a *hadī* animal.

upon him) had hung them with his own hands round its neck and sent it with my father. Nothing became invalid for the Holy Prophet (may peace be upon him) from among the things which were made valid by God for him until the *hadī* was slaughtered.

(744) Yaḥyā b. Sa'īd reported that he enquired of 'Amrah, daughter of 'Abd al-Raḥmān, whether anything became invalid for him who sends the *hadī* but does not himself go. She replied : I heard 'Ā'ishah saying that none becomes a *muḥrim* but he who puts on *iḥrām* and says *Labbaik*.

(745) Rabī'ah b. 'Abd Allah b. Hudair saw a man[165] in Iraq with his clothes taken off and he asked of the people the reason thereof. They replied that he had arranged for the *taqlīd*[166] of his *hadī* and had, therefore, taken off his (sewn) clothes. Rabī'ah said : I met 'Abd Allah b. Zubair and related to him the whole affair. He said : By the Lord of the Ka'bah, this is an innovation.

Chapter 209

MENSTRUATION DURING *ḤAJJ*

(746) Nāfi' reported that 'Abd Allah b. 'Umar said : If a woman having put on *iḥrām* for *Ḥajj* or *'Umrah* gets menstruated, she may repeat *Labbaik* whenever she likes but she should not do *ṭawāf* of the House (of God) nor should she do *sa'ī* or run between Ṣafā' and Marwah. She may perform all other rites with the people except the *ṭawāf* of the House and *sa'ī*. She should not enter a mosque until she is clean.[167]

Chapter 210

PERFORMANCE OF *'UMRAH* DURING *ḤAJJ* DAYS

(747) It reached Mālik that the Apostle of Allah (may peace be

165. He was Ibn 'Abbās.

166. *Taqlīd*, hanging a thing, such as a shoe, round the neck of the animal to distinguish it as a *hadī*.

167. *Ṭawāf* is prohibited for it necessitates entering a mosque and *sa'ī* is not prohibited for cleanliness is not a condition for it, but the menstruated woman should not do *sa'ī* for to give preference to *sa'ī* over *ṭawāf* is not proper.

upon him) performed *'Umrah* thrice, once in the year of Ḥudaibiyah, once in the year of *Qaḍā'* and once in the year of Ji'rānah.

(748) 'Urwah b. Zubair reported : The Apostle of Allah (may peace be upon him) did *'Umrah* but thrice, once in the month of Shawwāl and twice in the month of Dhī Qa'dah.

(749) 'Abd al-Raḥmān b. Ḥarmalah Aslamī reported : A man enquired of Sa'īd b. al-Musayyab whether he might perform *'Umrah* before *Ḥajj*. He replied : Yes, and added that the Apostle of Allah (may peace be upon him) had performed *'Umrah* before *Ḥajj*.

(750) Sa'īd b. al-Musayyab reported : 'Umar b. Abī Salamah asked permission of 'Umar b. al-Khaṭṭāb to perform *'Umrah* in Shawwāl and he granted it. He returned home after performing *'Umrah* and not *Ḥajj*.

Chapter 211

WHEN TO STOP SAYING *LABBAIK* IN *'UMRAH*

(751) 'Urwah b. Zubair used to stop saying *Labbaik* in *'Umrah* after entering the *Ḥaram*.

Chapter 212

TAMATTU' ḤAJJ[168]

(752) Muḥammad b. 'Abd Allah b. Ḥārith b. Naufal b. 'Abd al-Muṭṭalib reported that in the year when Mu'āwiyah b. Abū Sufyān performed *Ḥajj*, he heard Sa'd b. Abī Waqqāṣ and Ḍaḥḥāk b. Qais, who were discussing about *Tamattu'*. Ḍaḥḥāk b. Qais said : Who is ignorant of the orders of the Lord will do *Tamattu'*. Sa'd said : You have not spoken well, O my nephew. Ḍaḥḥāk said : 'Umar b. al-Khaṭṭāb prohibited it. Sa'd replied ; The Apostle of Allah (may peace be upon him) performed it and we also performed it with him.

(753) 'Abd Allah b. 'Umar used to say : By the Lord, it seems to me better to perform *'Umrah* before *Ḥajj* and to take *hadī* than to perform *'Umrah* after *Ḥajj* in Dhū al-Ḥijjah.

168. In *Tamattu' iḥrām* for *Ḥajj* is put off in the mid-course for the sake of *'Umrah*.

(754) 'Abd Allah b. 'Umar used to say: He who performed *'Umrah* in the months of *Ḥajj*—Shawwāl, Dhī Qa'dah or Dhū al-Ḥijjah—before *Ḥajj* and then stayed on in Mecca until he performed *Ḥajj* he did *Tamattu'*. If he performed *Ḥajj* and the sacrificial animal is available *hadī* becomes obligatory on him; if it is not available, he may fast for three days during *Ḥajj* and for seven days when he returns.

(755) Yaḥyā b. Sa'īd reported that he heard Sa'īd b. al-Musayyab saying: Whoever performed *'Umrah* in Shawwāl or Dhī Qa'dah or Dhū al-Ḥijjah and then stayed on in Mecca and performed *Ḥajj*, he was a *mutamattu'* (one who performed *Tamattu'*). If he performed *Ḥajj*, the sacrificial animal will be obligatory on him if it is available, otherwise he should fast for three days in *Ḥajj* and for seven days after his return home.[169]

Chapter 213

MISCELLANEOUS *AḤĀDĪTH* ON *'UMRAH*

(756) Abū Hurairah reported: The Apostle of Allah (may peace be upon him) declared that all (sins) are pardoned which may have been committed between two *'Umrahs* and there is no other compensation for *Ḥajj Mabrūr* but Paradise.[170]

(757) Abū Bakr b. 'Abd al-Raḥmān reported: A woman came to the Apostle of Allah (may peace be upon him) and reported that she had made preparations for *Ḥajj* but she fell ill and could not perform it. The Apostle of Allah (may peace be upon him) advised her to do *'Umrah* in the month of Ramaḍān, for an *'Umrah* performed in this month is equal to a *Ḥajj*.

(758) 'Abd Allah b. 'Umar reported: 'Umar b. al-Khaṭṭāb used to say: Separate *Ḥajj* and *'Umrah* so that *Ḥajj* is performed completely and *'Umrah* is also performed completely. This can be accomplished by performing *'Umrah* not in the months of *Ḥajj* but in some

169. Mālik said that anyone who did *'Umrah* in the months of Shawwāl or Dhī Qa'dah or in Dhū al-Ḥijjah and then returned home, and performed *Ḥajj* in the same year, *hadi* is not obligatory on him because he is not a *mutamattu'*. *Hadi* is obligatory on him who, after performing *'Umrah* in the months of Ḥajj, stays on in Mecca until he performs the *Ḥajj*.

170. *Ḥajj Mabrūr* is the one in which there is no falsity, fraud, evil or indecent talk.

other days.[171]

It reached Mālik that whenever 'Uthmān b. 'Affān performed '*Umrah* he generally did not dismount from his camel until his return to Medina.

Chapter 214

NIKĀḤ (MARRIAGE) OF A *MUḤRIM*

(760) Sulaimān b. Yasār reported: The Apostle of Allah (may peace be upon him) sent for his freedman Abū Rāfi' and a man from the *Anṣār* and they married him to Maimūnah, daughter of Ḥārith, and the Apostle of Allah (may peace be upon him) was at Medina and had not yet departed.

(761) Nubaib b. Wahb, brother of Banū 'Abd al-Dār, reported that 'Umar b. 'Ubaid Allah sent him to Abān b. 'Uthmān and Abān was, at that time, the *Amīr* of the *Ḥājīs*. Both had put on *iḥrām*. He sent word to the effect that he wanted to marry Ṭalḥah b 'Umar to the daughter of Shaibah b. Jubair and invited him too. Abān refused saying that he heard from 'Uthmān b. 'Affān who had hea. . the Apostle of Allah (may peace be upon him) saying that a person in *iḥrām* should neither marry himself or anyone else nor a marriage proposal be sent.

(762) Abū Ghaṭfān b. Ṭarīf al-Murrī reported that his father Ṭarīf married a woman while in *iḥrām* and 'Umar b. al-Khaṭṭāb nullified the marriage.

(763) Nāfi' reported that 'Abd Allah b. 'Umar used to say: A person in *iḥrām* should neither marry nor send a marriage proposal either for himself or for anyone else.

(764) It reached Mālik that Sa'īd b. al-Musayyab and Sālim b. 'Abd Allah and Sulaimān b. Yasār were asked about the marriage of a person in *iḥrām* and all of them said that a person in *iḥrām* should neither marry himself nor another.

171. The three months of *Ḥajj* are Shawwāl, Dhī Qa'dah, and Dhū al-Ḥijjah.

Chapter 215

CUPPING OF A *MUḤRIM*[172]

(765) Sulaimān b. Yasār reported. The Apostle of Allah (may peace be upon him) had his head cupped in the state of *iḥrām* in Laḥī Jamal, a village on the way to Mecca.

(766) Nāfi' reported that 'Abd Allah b. 'Umar used to say that a person in *iḥrām* should not have himself cupped but out of any unavoidable necessity.

Chapter 216

PERMISSIBILITY OF EATING THE MEAT OF HUNTED ANIMAL FOR A *MUḤRIM*

(767) Abū Qatādah Anṣāri reported that he was accompanying the Apostle of Allah (may peace be upon him) when he was left behind with some of his associates who were in *iḥrām* on one of the pathways to Mecca. Abū Qatādah, however, was not in *iḥrām*. He saw a wild ass and mounted his horse and asked for a whip from his associates, but they refused; he then asked for a lance, but they refused; he then himself took a lance and attacked and killed the animal. Some of the companions ate the meat and some refused. When they joined the Apostle of Allah (may peace be upon him), he related the incident. The Apostle of Allah (may peace be upon him) said: It was a food supplied to you by the Lord.[173]

(768) Hishām b. 'Urwah related that his father said that Zubair b. 'Awwām in a state of *ihrām* used to breakfast with smoked venison which is called *qadīd*.[174]

(769) 'Aṭā' b. Yasār has reported the *ḥadīth* of Abū Qatādah regarding the killing of the wild ass in the manner (reported above) with the addition that the Apostle of Allah (may peace be upon him)

172. A *muḥrim* is not permitted to hunt on land. It is also prohibited to point at the animal or to assist in the hunt.

173. This *ḥadith* shows that it is permissible for a *muḥrim* to eat the meat in the hunting of which he neither associated himself nor assisted, otherwise it is *ḥarām* to eat.

174. *Qadid* is that meat which is salted and dried in the sun or on fire.

enquired : Have you any meat left with you ?[175]

(770) Zaid b. Ka'b Bahzī reported that the Apostle of Allah (may peace be upon him) issued out, bound for Mecca, putting on his *iḥrām*. When they reached Rauḥā'[176] he (Zaid) saw a wounded wild ass and reported the matter to the Apostle of Allah (may peace be upon him) who said : Let it be, its owner will come over. Meanwhile Bahzī came and he was its owner. Bahzī said : The Apostle of Allah (may peace be upon him) instructed Abū Bakr who distributed the meat amongst all the followers. The party advanced and when they came to Ithābah between Ruwaithah and 'Arj, they saw a deer standing with bent head in the shade and an arrow was struck in its side. Bahzī reported that the Apostle of Allah (may peace be upon him) directed one man to stand by and see that no one disturbed it. until all passed by.

(771) When Abū Hurairah was on his way back from Baḥrain and reached Rabdhah, he met a few riders of Iraq who were in *iḥrām*. They asked him about the use of a hunted animal which was with the people of Rabdhah. He permitted them to eat it, and added: When I felt doubt about it, I asked 'Umar b. al-Khaṭṭāb after arrival at Medina. He asked what decision I had given. I said that I had given them permission to eat it. He said that if I had given them any other direction, he would have treated me in this wise. And he threatened.

(772) Sālim b. 'Abd Allah heard Abū Hurairah telling 'Abd Allah b. 'Umar : I met some people in a state of *iḥrām* at Rabdhah and they asked me about the meat of the hunt and whether it might be eaten. Abū Hurairah permitted them to eat it. Abū Hurairah reports that when he returned to Medina, he related the matter to 'Umar b. al-Khaṭṭāb. He asked what decision he had given and he said that he had given them permission to eat. 'Umar said that if he had not done so, he would have punished him.

(773) When Ka'b b. al-Aḥbār came from Syria, there were certain riders with him in a state of *iḥrām*. They saw on the way the meat of

175. According to *Ṣaḥīḥain*, there was a thigh left out of which the Holy Prophet (may peace be upon him) ate.

176. A village between Mecca and Medina.

the hunt. Ka'b b. al-Aḥbār gave them permission to eat. When they arrived at Medina, they gave an account of it to 'Umar b. al-Khaṭṭāb. He asked who had given the orders and they said it was Ka'b. 'Umar said: I appoint Ka'b your leader until you go back on your way to Mecca. One day they came across an army of locusts. Ka'b ordered them to catch them and eat them. When the people returned to 'Umar b. al-Khaṭṭāb, they narrated the incident. He asked Ka'b the reason of his *fatwā* (decree). Ka'b said that locusts were the hunt of the sea. 'Umar asked: How? Ka'b said: By the Lord, Who owns my life! O Commander of the Faithful, locusts are born of the sneeze of a fish which sneezes twice a year.

Chapter 217

HUNT-MEAT NOT ALLOWED FOR A *MUḤRIM* TO EAT

(774) Sa'b b. Jaththāmah Laithī reported: I sent a gift of a wild ass to the Apostle of Allah (may peace be upon him). The Apostle of Allah (may peace be upon him) was at Abwā' or Waddān and the Apostle of Allah (may peace be upon him) returned it. When he saw disappointment in my face, he explained that he returned it because he was in *iḥrām*.[177]

(775) 'Abd Allah b. 'Āmir b. Rabī'ah reported: I saw 'Uthmān b. 'Affān at 'Arj on a hot day. He had covered his face with a red blanket. Meanwile the meat of the hunt came and he asked his companions to eat it. When they asked whether he would not eat, he replied: My case is different, the hunt was for me.[178]

(776) 'Ā'ishah, Mother of the Believers, told 'Urwah b. Zubair: O my brother's son, these are the ten nights of *iḥrām*. If there is doubt in your mind, abstain from the meat of the hunt.

177. A *muḥrim* is not permitted at all to eat the meat of the hunted animals.

178. Ḥaḍrat 'Uthmān was the Caliph in those days. It means that it is not permissible for a *muḥrim* to eat for whom the animal is hunted, but others can eat.

Chapter 218

ANIMALS WHICH A *MUḤRIM* CAN KILL

(777) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) declared: There are five animals the hunting of which is not disallowed to a *muḥrim*: crow, kite, scorpion, rat and mad dog.

(778) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) declared: There are five animals killing which by a person in *iḥrām* is not sinful: scorpion, rat, mad dog, kite and crow.

(779) 'Urwah b. Zubair reported that the Apostle of Allah (may peace be upon him) declared: There are five unclean animals which may be killed in the *Ḥaram* and outside: rat, scorpion, crow, kite and mad dog.

(780) Ibn Shihāb reported that 'Umar b. al-Khaṭṭāb ordered to kill serpents in the *Ḥaram*.

Chapter 219

THINGS VALID FOR A *MUHRIM*

(781) Rabī'ah b. 'Abd Allah b. Hudair reported that he saw 'Umar b. al-Khaṭṭāb plucking fleas of his camel and throwing them down on the groun. n the village of Suqyā while he was in *iḥrām*. Mālik said that he considered this act repugnant.

(782) Marjānah heard 'Ā'ishah, wife of the Prophet (may peace be upon him), having been asked whether a man in *iḥrām* could scratch his body; she said: Yes, scratch hard, and if my arms be bound and my feet be free, I shall scratch with them.

(783) Ayyūb b. Mūsā reported that 'Abd Allah b. 'Umar looked into the mirror, on account of some affection in the eye, while he was in a state of *iḥrām*.

(784) Nāfi' reported that 'Abd Allah b. 'Umar considered it repugnant (*makrūh*) to take out the fleas of his camel.

(785) Muḥammad b. 'Abd Allah b. Abī Maryam enquired of Sa'īd

b. al-Musayyab about one of his finger-nails which had broken and he was in the state of *iḥrām*. Sa'īd replied : Cut it off.[179]

Chapter 220

TO PERFORM *ḤAJJ* ON BEHALF OF OTHERS

(786) 'Abd Allah b. 'Abbās reported that Faḍl b. 'Abbās was riding with the Apostle of Allah (may peace be upon him) when a woman from the tribe of Khath'am came to ask something of the Apostle of Allah (may peace be upon him). Faḍl was looking at her and she at him. The Apostle of Allah (may peace be upon him) turned Faḍl's face in another direction. The woman said : O Apostle of Allah, *Ḥajj* has become obligatory at a time when my father is old and cannot sit on a camel. Can I perform *Ḥajj* on his behalf? He (the Apostle of Allah) said : Yes. This happened at the time of *Ḥajj al-Wadā'*.[180]

Chapter 221

OBSTRUCTION (*IḤṢĀR*[181]) OF ONE IN *IḤRĀM* BY AN ENEMY

(787) It reached Mālik that the Apostle of Allah (may peace be upon him) and his Companions, when the enemy obstructed them, took off their *iḥrām* at Ḥudaibiyah and sent the sacrificial animal to the House (of Allah) and shaved their heads and everything became valid for them, even before performing the *ṭawāf* of the House (Ka'bah) and prior to the reaching of the sacrificial animals at the House (of Allah). He added that they were not aware if the Apostle of Allah (may peace be upon him) ordered any of his Companions or followers to repeat it.

(788) When 'Abd Allah b. 'Umar departed for Mecca with the

179. Mālik was asked if a *muḥrim* could put scentless oil in his aching ear. He said : There is no harm ; even if he puts the oil in his mouth, there is no harm.

180. *Ḥajj* is obligatory for one who can go up to the Ka'bah

181. *Iḥṣār* means obstruction by one's enemy in *iḥrām* from performing *Ḥajj* or *'Umrah*.

intention of '*Umrah* during the year of disturbances,[182] he said : If I should he stopped from proceeding to the House, I shall do as I did in the company of the Apostle of Allah (may peace be upon him) (when the heathens had stopped him). 'Abd Allah b. 'Umar then put on the *iḥrām* for '*Umrah* with the idea that the Apostle of Allah (may peace be upon him) also had put on the *iḥrām* for '*Umrah* in the year of Ḥudaibiyah. After some consideration, 'Abd Allah b. 'Umar said : '*Umrah* and *Ḥajj* are both akin in nature in the event of enemy obstruction. Then he turned towards his Companions and said : The consideration for *Ḥajj* and '*Umrah* is the same. I make you witness that I have made *Ḥajj* also obligatory upon myself along with '*Umrah*. He then went away until he came to the House and did one *ṭawāf* and considered it sufficient and sacrificed the *hadī* (sacrificial animal).

Chapter 222

ANY OTHER OBSTRUCTION THAN OF AN ENEMY

(789) 'Abd Allah b. 'Umar said : For the man who is detained on account of illness, it would not be valid (*ḥalāl*) for him until he makes circumambulation of the House and makes *sa'ī* between Ṣafā' and Marwah. If he stands in need of wearing any cloth or of taking any medicine (which are prohibited in the state of *iḥrām*) he can do so and reap the benefit.

(790) 'Ā'ishah, wife of the Prophet (may peace be upon him), said : A *muḥrim* is not *ḥalāl* until he arrives at the House.

(791) Ayyūb b. Abū Tamīmat al-Sakhtiyānī reported that he heard from an elderly man[183] of Baṣrah. He said : I started for Mecca and on my way my hip-bone broke. I sent a man to Mecca. There were 'Abd Allah b. 'Abbās, 'Abd Allah b. 'Umar and some others. None of them permitted me to take off the *iḥrām*. The result was that I lay in the same place for seven months. Thereafter when I recovered I performed the '*Umrah* and took off the *iḥrām*.

(792) 'Abd Allah b. 'Umar said : He who is not able to reach the

182. When Ḥajjāj b. Yūsuf had come to fight with 'Abd Allah b. Zubair, the administrator of Mecca.

183. Abū Qilābah b. Zaid.

House on account of illness, his *iḥrām* cannot be taken off until he performs the *ṭawāf* of the House and the *sa'ī* between Ṣafā' and Marwah.

(793) Sulaimān b. Yasār reported that Sa'īd b. Hudhābah al-Makhzūmī fell down on his way to Mecca and he was in *iḥrām*. He had stopped near a waterside where he met 'Abd Allah b. 'Umar, 'Abd Allah b. Zubair and Marwān b. Ḥakam. He told them of his ailment. All of them advised him to have the necessary treatment and give alms (and said that) when he gets well he should perform *'Umrah* and put off the *iḥrām*. He should then perform *Ḥajj* the next year and offer a sacrificial animal according to his means.[184]

Chapter 223

CONSTRUCTION OF THE KA'BAH

(794) 'Ā'ishah reported: The Apostle of Allah (may peace be upon him) said: When thy people constructed the Ka'bah, they reduced it from the state in which it was built by the (Prophet) Ibrāhīm. 'Ā'ishah said: Apostle of Allah, why do you not construct it as (Prophet) Ibrāhīm built it? The Apostle of Allah (may peace be upon him) replied: Had your people not been in disbelief in the recent past, I would have rebuilt it on the foundation (laid) by Ibrāhīm.[185] 'Abd Allah b. 'Umar said: It was perhaps for this reason that the Apostle of Allah (may peace be upon him) did not touch or kiss Rukn Shāmī and Rukn 'Irāqī which were close to *Ḥaṭīm*.[186]

(795) 'Urwah b. Zubair reported that 'Ā'ishah, Mother of the

184. Mālik said: If a person stops from proceeding to *Ḥajj* after putting on the *iḥrām*, either due to illness or for any other reason such as miscalculation of date or for missing the moon, he should observe the same conditions as are meant for a person who has been obstructed (by an enemy).

185 "The Quraish were in the recent past non-believers. If I demolish the Ka'bah for making the requisite changes, there is the possibility of their misunderstanding me."

186. In the times of the Prophet Ibrāhīm, *Ḥaṭīm* was included in the Ka'bah; now it is considered outside the Ka'bah, but it is included in the circumambulation. The part of the wall of the Ka'bah which is close to *Ḥaṭīm* is not in its original place and both its ends, i.e. Rukn Shāmī and Rukn 'Irāqī, too are not in their original places. For this reason the Apostle (may peace be upon him) did neither touch them nor kiss them. He continued to touch and kiss Rukn Yamanī and Ḥajr Aswad (the Black Stone) because they were in their original places.

Believers, said: I see no difference if I say prayer in the House or outside.

(796) Ibn Shihāb heard it from some of the learned men that a wall was raised around the *Ḥaṭīm* and included it in the *ṭawāf* with the idea that the *ṭawāf* of the whole House may take place.

Chapter 224

RAMAL IN *ṬAWĀF*

(797) Jābir b. 'Abd Allah reported: I saw the Apostle of Allah (may peace be upon him) doing *ramal*[187] from Black Stone to Black Stone in three rounds.

(798) Nāfi' reported that 'Abd Allah b. 'Umar used to do *ramal* from Black Stone to Black Stone in three rounds, and in the remaining four he used to walk with ordinary gait.

(799) 'Urwah b. Zubair (reported that) when he did *ṭawāf* of the House, he used to walk running in three rounds and say slowly: O Lord, there is no true Lord but Thee and Thou wilt raise us up after death.

(800) 'Urwah b. Zubair saw 'Abd Allah b. Zubair that he put on *iḥrām* for *'Umrah* from Tan'īm and walked running the first three rounds, around the House.

(801) Nāfi' reported that whenever 'Abd Allah b. 'Umar put on *iḥrām* from Mecca, he did not perform *ṭawāf* of the House, nor did he perform *sa'ī* between Ṣafā' and Marwah in between, until the time he returned from Minā, nor did he walk running with shoulders moving around the House.

Chapter 225

ISTILĀM[188] DURING THE *ṬAWĀF*

(802) It reached Mālik that when the Apostle of Allah (may peace be upon him) after finishing his circuit and saying two *rak'ahs* of *ṭawāf*,

187. *Ramal* means to walk fast moving the shoulders.

188. *Istilām* means to touch or kiss a thing.

intended to start for Ṣafā' and Marwah, he would kiss the Black Stone before his departure.

(803) 'Urwah b. Zubair reported that the Apostle of Allah (may peace be upon him) asked 'Abd al-Raḥmān b. 'Auf: O Abū Muḥammad, how did you perform the act of kissing the Black Stone? 'Abd al-Raḥmān replied: Sometimes he kissed and sometimes he omitted to do so. The Apostle of Allah (may peace be upon him) declared: You did right.

(804) Hāshim b. 'Urwah reported that whenever his father 'Urwah b. Zubair made the *ṭawāf* of the House he touched or kissed all the pillars, specially he never omitted the Rukn Yamanī, unless he was forced to it.

Chapter 226

KISSING OF THE BLACK STONE AT THE TIME OF TOUCHING IT

(805) 'Urwah b. Zubair reported that 'Umar b. al-Khaṭṭāb, when he was doing the *ṭawāf* of the House, said: Thou art but a stone. Thou canst neither do good nor harm and if I had not seen the Apostle of Allah (may peace be upon him) kissing thee, I would never have kissed thee. Then he kissed it.

Chapter 227

ABOUT SAYING TWO *RAK'AHS* DURING THE *ṬAWĀF*

(806) 'Urwah b. Zubair did not perform two *ṭawāfs* at once, did not offer two *rak'ahs* in between, but said them after every seven rounds either near Maqām Ibrāhīm or in any other place.

Chapter 228

SAYING OF TWO *RAK'AHS* OF *ṬAWĀF* AFTER THE MORNING OR AFTERNOON PRAYER

(807) 'Abd al-Raḥmān b. 'Abd al-Qārī did the *ṭawāf* of the

House along with (Ḥaḍrat) 'Umar b. al-Khaṭṭāb after the morning prayer. After the *ṭawāf*, 'Umar saw that the sun had not risen, so he mounted his camel and climbed down only at Dhī Ṭuwā, where he said two *rak'ahs*.

(808) Abū Zubair Makkī reported : I saw 'Abd Allah b. 'Abbās doing his *ṭawāf* after the 'aṣr prayer and then going into his apartment, and it was not known what he did there.

(809) Abū Zubair Makkī reported : I saw the House getting empty of the circumambulators after the morning prayer and after the 'aṣr prayer, when no one did *ṭawāf*.

Chapter 229

BIDDING ADIEU TO THE HOUSE

(810) 'Abd Allah b. 'Umar reported that 'Umar b. al-Khaṭṭāb said : No pilgrim should return from Mecca until he has done the *ṭawāf* of the House, for doing *ṭawāf* is the last act of worship.[189]

(811) Yaḥyā b. Sa'īd reported that 'Umar b. al-Khaṭṭāb sent back a man from Marra al-Ẓahrān[190] for he had not done the *Ṭawāf al-Widā'* until he performed it.

(812) 'Urwah b. Zubair said that the Lord completed the *Ḥajj* of the man who performed the *Ṭawāf al-Ifāḍah*, and if there was nothing to prevent him, he should, before leaving, perform the *Ṭawāf al-Widā'*, but if there was nothing to prevent him or (he suffers from) illness, the Lord has completed his *Ḥajj*.[191]

189. This *ṭawāf* is called the *Ṭāwāf al-Widā'* (the last *ṭawāf*.) and is done at the time when a pilgrim intends to return home.

190. A village eighteen miles from Mecca.

191. It means that *Ṭawāf al-Widā'* is not obligatory. Mālik said : If anyone did not have knowledge about *Ṭawāf al-Widā'* and he left Mecca (for home) without performing *Ṭawāf al-Widā'* it is not incumbent upon him to come back. But if he is close to Mecca, he should come back and perform the *ṭawāf* provided he had performed the *Ṭawāf al-Ziyārah* which is obligatory.

Chapter 230

MISCELLANEOUS REGULATIONS REGARDING *ṬAWĀF*

(813) Umm Salamah, wife of the Prophet (may peace be upon him), reported : I complained to the Apostle of Allah (may peace be upon him) regarding my indisposition. He said : Ride behind me and perform the *ṭawāf*. Umm Salamah said : I performed the *ṭawāf* and the Apostle of Allah (may peace be upon him) was at that time saying his prayer in a corner of the House and was also reciting Sūrat al-Ṭūr (Sūrah lii.).

(814) Abū Mā'iz Aslamī reported that he was sitting with 'Abd Allah b. 'Umar when a woman came to ask him a question. She said: I intended to do the *ṭawāf* of the House but when I reached the door of the mosque I began to menstruate, and so I went away. When bleeding stopped I went again, but again at the door of the mosque the bleeding started and I went away. When bleeding stopped I came again (to the mosque) but at the door bleeding again started. 'Abd Allah b. 'Umar said : This is Satan's kick. Take a bath and bind your private part with cloth and perform the *ṭawāf*.

(815) It reached Mālik that whenever Sa'd b. Abī Waqqāṣ came to Mecca and the 9th of the month would be near, he would go away to 'Arafāt before performing *ṭawāf* and *sa'ī* and after return from there, he would perform them both.[192]

Chapter 231

ABOUT STARTING *SA'Ī* FROM *ṢAFĀ*

(816) Jābir b. 'Abd Allah reported : I heard the Apostle of Allah (may peace be upon him) saying when he started from the mosque (Masjid al-Ḥarām) towards Ṣafā' : We begin from there where the

192. When reaching Mecca if the time is up, one should go straightway to Arafāt because *Ṭawāf Qadūm* is *Sunnah* and *Waqūf 'Arafah* is obligatory.

Lord began. He began the *sa'ī* from Ṣafā'.[193]

(817) Jābir b. 'Abd Allah reported that when the Apostle of Allah (may peace be upon him) stood at Ṣafā' he would say *Allāh-u-Akbar* three times and "There is no true Lord but He. He has no partner. His is the dominion and to Him is all praise. He has power over all thir ."' He would say this three times and supplicate to Allah, then arrive at Mecca and do the same.

(818) Nāfi' heard from 'Abd Allah b. 'Umar that he prayed to Allah at Ṣafā': O Lord, Thou sayest: Pray to Me and I shall grant. Thou never doest break Thy promises. I beg Thee that as Thou showedest me the path of Islam, do not deprive me of it until the point of my death so that I may die a Muslim.

Chapter 232

MISCELLANEOUS *AḤĀDĪTH* ON *SA'Ī*

(819) 'Urwah b. Zubair said: I was a boy and I spoke to 'Ā'ishah, Mother of the Believers: The Lord sayeth, "Verily Ṣafā' and Marwah are the signs of Allah" [ii. 158], and hence for him who performs the *Ḥajj* of the House or *'Umrah*, there is no sin if he does *sa'ī* between the two. It is not obligatory on any person that he performs the *ṭawāf* between the two. 'Ā'ishah said: It is not so. If it were, what you thought (not doing of *sa'ī* is not sin) the Lord would have said: "It would not be sin for him to do *sa'ī* between Ṣafā' and Marwah." This verse was revealed in connection with the *Anṣār*. They used to perform *Ḥajj* for Manāt and Manāt was an idol which the Arabs worshipped before Islam. And Manāt was opposite Qudaid.[194] They considered it bad to do *sa'ī* between Ṣafā' and Marwah. When they accepted Islam they asked the Apostle of Allah (may peace be upon him) about it. There it was that the Lord revealed that "Ṣafā' and Marwah are both signs of Allah, so he who per-

193. Allah says: "Ṣafā' and Marwah are both the signs of Allah" (ii. 158). Hence Ṣafā' is mentioned first and Marwah afterwards. Accordingly the Holy Prophet (may peace be upon him) started *sa'i* before Ṣafā'.

194. Qudaid was a village between Mecca and Medina.

forms the *Ḥajj* of the House or '*Umrah*, it is not a sin to do *sa'ī* between the two" [ii. 158].

(820) Hishām b. 'Urwah reported that Saudah, daughter of 'Abd Allah b. 'Umar, was wedded to 'Urwah b. Zubair. One day she set out to do *sa'ī* on foot between Ṣafā' and Marwah in the course of *Ḥajj* or '*Umrah*. She was a stout woman. The men finished their 'ishā (night) prayer and she had not completed her *sa'ī*. The *adhān* for the morning prayer was said and she finished her *sa'ī* in the meanwhile. When 'Urwah would see people performing *sa'ī* riding, he used to prohibit them severely. They used to plead illness, feeling shy of 'Urwah. 'Urwah used to tell his people that the people suffered loss and did not obtain their end.[195]

(821) Jābir b. 'Abd Allah reported : When the Apostle of Allah (may peace be upon him) arrived at Ṣafā' and Marwah, he walked with an average pace ; when he would step into the valley, he walked running until he crossed it.

Chapter 233

ABOUT FASTING ON THE DAY OF 'ARAFAH

(822) Umm al-Faḍl, daughter of Ḥārith, reported that some men expressed doubt regarding the fasting of the Apostle of Allah (may peace be upon him) on the day of 'Arafah. Some said that he was observing the fast and some said that he was not. Umm al-Faḍl sent a cup of milk to the Apostle of Allah (may peace be upon him) who drank it. He was mounted on his camel at 'Arafāt.

(823) Qāsim b. Muḥammad reported that 'Ā'ishah, Mother of the Believers, used to fast on the day of 'Arafah. Qāsim said that he saw on the evening of the day, when the *imām* began to leave, she remained in her place until the ground was clear. She then sent for a cup of water and broke her fast.

195. That is, after 'ishā' until fajr prayer he did not permit her to do *sa'ī* riding, because to do it on foot is better

Chapter 234

ABOUT FASTING DURING MINĀ DAYS (ON 11, 12 AND 13 DHŪ AL-ḤIJJAH)

(824) Sulaimān b. Yasār reported: The Apostle of Allah (may peace be upon him) prohibited from fasting during the day of Minā.

(825) Ibn Shihāb reported : The Apostle of Allah (may peace be upon him) sent 'Abd Allah b. Ḥudhāfah during the day of Minā for announcing to the people that these were the days of eating. drinking and remembrance of the Lord.

(826) Abū Hurairah reported : The Apostle (may peace be upon him) prohibited fasts on two days ; the day of *Fiṭr* and the day of *Aḍḥā*.

(827) 'Abd Allah b. 'Amr b. al-'Āṣ stated : I went to my father, 'Amr b. al-'Āṣ, and found him taking his meal. He invited me but I told him that I was fasting. He asked : Are you fasting during these days[196] when the Apostle of Allah (may peace be upon him) had prohibited fasting and had ordered us to break our fast ?

Chapter 235

REGARDING ANIMALS FIT FOR SACRIFICE

(828) 'Abd Allah b. Abū Bakr b. Ḥazm reported : The Apostle of Allah (may peace be upon him) sent a sacrificial camel which was (the property) of Abū Jahl b. Hishām, for *Ḥajj* or '*Umrah*.

(829) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) saw a man driving his sacrificial camel. He asked him to mount it. He said : It is for sacrifice. He (the Apostle), however, asked him to mount it and said : Evil be to you, on the second or third occasion.

(830) 'Abd Allah b. Dīnār reported : 'Abd Allah b. 'Umar used to offer two camels as sacrifice during the *Ḥajj* and one camel during '*Umrah*. I saw him sacrificing it and the camel was standing in the house of Khalid b. Usayd where he used to stay. I saw that in '*Umrah*

196. These were the *tashriq* days, i.e. 11, 12 and 13 of Dhū al-Ḥijjah.

he gave such a thrust of his lance into the neck of the camel that it came out on the other side.

(831) Yaḥyā b. Sa'īd reported: 'Umar b. 'Abd al-'Azīz sent one sacrificial camel, at the time of *Ḥajj* or *'Umrah.*

(832) Abū Ja'far Qārī reported: 'Abd Allah b. 'Ayyāsh b. Abū Rabī'ah al-Makhzūmī offered two camels as sacrifice, one of which was *bukhtī.*[197]

(833) Nāfi' reported: 'Abd Allah b. 'Umar used to say that when a sacrificial she-camel should give birth to a young one, that also should be taken with it. If there is no arrangement to carry it, it may be taken on its mother's back to be sacrificed with her.

(834) Hishām b. 'Urwah said that his father used to say: If you need to ride on your sacrificial animal, ride it, but not in such a manner that his back should break. If you require to drink its milk, drink it but only after its young one should have drunk its fill, and when you sacrifice it, sacrifice also the young one.

Chapter 236

REGARDING THE DRIVING OF SACRIFICIAL ANIMALS

(835) When 'Abd Allah b. 'Umar drove his sacrificial animal from Medina, he hung something from its neck and split its hump at Dhū al-Ḥulaifah. The hanging was done prior to the splitting, but both were done at one and the same place. The face of the sacrificial animal was turned towards *qiblah* and two sandals were hung round its neck and then the splitting was done from the left side. He would take the sacrificial animal with him, such that on the day of 'Arafah, even at 'Arafāt, he would be with all people. When the people returned, the sacrificial animal also returned. When they reached Minā on the morning of the day of sacrifice, it was sacrificed before shaving or hair-cut. 'Abd Allah b. 'Umar used himself to sacrifice his animals. The animals were made to stand in a row with their faces

197 *Arabi* camel is one whose parents are both *'Arabi*, and *bukhtī* is that camel one of whose parents is *'Ajami*, of mixed stock.

towards the *qiblah* and then they were sacrificed. He ate their meat himself and fed others also.

(836) Nāfi‘ reported : When ‘Abd Allah b. ‘Umar used to inflict the wound in the hump of the sacrificial animal for splitting, he would say : In the name of Allah and Allah is Great.

(837) Nāfi‘ reported : ‘Abd Allah b. ‘Umar used to say : A sacrificial animal is the animal of which (the signs) would be the hanging (of something to the neck) and splitting (of the hump) and would be made to stand at ‘Arafāt.

(838) Nāfi‘ reported ; ‘Abd Allah b. ‘Umar used to cover his sacrificial animals with Egyptian cloths and printed sheets. (After sacrifice) he would send these cloths to the Ka‘bah (to be used) as covers.

(839) Mālik enquired of ‘Abd Allah b. Dīnār as to what ‘Abd Allah b. ‘Umar used to do with the cloths of the back of the camels when the cover of the Ka‘bah had already been prepared. He said that he used to give them away in charity.

(840) Nāfi‘ reported : ‘Abd Allah b. ‘Umar said that for purposes of sacrifice a camel of five years or more is needed.

(841) Nāfi‘ reported : ‘Abd Allah b. ‘Umar used neither to cut the camel-covers nor put them on until he proceeded from Minā to ‘Arafāt.

(842) Hishām b. ‘Urwah reported that he used to tell his sons : O sons of mine ! will you give in the name of the Lord a camel that you would feel ashamed to give to a friend, for the Lord is more beneficent than the beneficents and deserves most that you give the most select of thine things?

Chapter 237

DEATH OR INCAPACITY OF THE SACRIFICIAL ANIMAL TO WALK OR IT IS LOST

(843) ‘Urwah b. Zubair reported that the man who conveyed the sacrificial animals of the Apostle of Allah (may peace be upon him) asked him : Messenger of Allah, if any sacrificial animal should be

about to die on the way, what shall I do? The Apostle of Allah (may peace be upon him) said to him: If the sacrificial camel is about to die, it should be slaughtered and what was hung round his neck thrown in his blood and it should be left to be eaten by people.

(844) Sa'īd b. al-Musayyab reported: That man is not at fault who carries a camel for sacrifice and, when it is about to die on the way, slaughters it and leaves it to be eaten by the people; but if he himself eats of it or orders anyone to do so, he would be liable to penalty.

(845) 'Abd Allah b. 'Abbās said the same.

(846) Ibn Shihāb said: In lieu of the camel that was being carried for offering as a penalty or *nadhr* or of *tamattu'* and that should die on the way, a substitute should be given.

(847) Nāfi' reported: 'Abd Allah b. 'Umar said that if a man should carry a sacrificial camel and it should die on the way or be lost, if it is by way of *nadhr*, a substitute should be given, and if it was *nafl* (optional), substitute may or may not be given, as one wills.

Chapter 238

REGARDING *HADĪ* OF ONE WHO COHABITS WITH ONE'S WIFE WHILE ONE IS IN *IḤRĀM*

(848) It reached Mālik that 'Umar b. al-Khaṭṭāb and 'Alī b. 'Abū Ṭālib and Abū Hurairah were asked as to what should be done in case a man in a state of *iḥrām* should cohabit with his wife. They said that he and his wife should continue performing the rites of the *Ḥajj* until the completion of *Ḥajj* and the next year *Ḥajj* and the sacrificial animal are obligatory for them. 'Alī b. Abū Ṭālib added that when they should perform the *Ḥajj* next year, they should remain separate from each other until its completion.

(849) Yaḥyā b. Sa'īd reported that he heard Sa'īd b. al-Musayyab saying to the people: What do you say in respect of the person who cohabits with his wife in the state of *iḥrām*? They did not reply. Sa'īd said he sent a man to Medina to enquire as to what should be done. Some people said that the two should be kept apart for a year. But

Sa'īd said that they should continue with the *Ḥajj* and complete what they had spoilt. After return, if they should be alive, they should perform the *Ḥajj* again next year and give the sacrificial animal and the *iḥrām* for the next *Ḥajj* should be worn from the place wherefrom it was worn the first time and the wife and husband should keep apart until the *Ḥajj* is over.

Chapter 239

ABOUT THE *HADĪ* OF ONE WHO MISSES THE *ḤAJJ*

(850) Sulaimān b. Yasār reported that Abū Ayyūb Anṣārī started for the *Ḥajj*. When he reached Nāziyah[198] on the way to Mecca, his camel was lost. He came to 'Umar b. al-Khaṭṭāb on the 10th of Dhī al-Ḥijjah and told him of the incident. 'Umar b. al-Khaṭṭāb said : Do what a man for '*Umrah* performs and put off the *iḥrām* and the next year when the day of the *Ḥajj* should come, perform *Ḥajj* and offer sacrifice according to your means.

(851) Sulaimān b. Yasār reported that Habbār b. al-Aswad arrived on the day of sacrifice and saw (Ḥaḍrat) 'Umar b. al-Khaṭṭāb offering his sacrifice, and said : Commander of the Believers, we made a mistake in counting (the dates) and thought today was the day of 'Arafah (i.e. the 9th). 'Umar b. al-Khaṭṭāb said : Go thou and thy companions to Mecca, do the *ṭawāf* and if thou hast any sacrificial animal with thee, sacrifice it, either shave or have your hair cut and go back to your home. Come again next year, perform the *Ḥajj* and offer the sacrifice and he who should be unable to give it should fast for three days during the *Ḥajj* days and seven days on return.

Chapter 240

REGARDING THE *HADĪ* OF ONE WHO COHABITS WITH HIS WIFE BEFORE *ṬAWĀF AL-ZIYĀRAH* AT MINĀ

(852) When 'Abd Allah b. 'Abbās was asked about a man who

198. Nāziyah is a place near the valley of Ṣufrā.

had cohabited with his wife at Minā, prior to *Ṭawāf al-Ziyārah*, he told him to sacrifice a camel.

(853) 'Abd Allah b. 'Abbās said that one cohabiting with his wife prior to the *Ṭawāf al-Ziyārah* should do one *'Umrah* and offer sacrifice.

(854) Rabī'ah b. Abū 'Abd al-Raḥmān spoke to the same effect.

Chapter 241

SACRIFICIAL ANIMAL ACCORDING TO MEANS

(855) Ja'far b. Muḥammad reported from his father that 'Alī b. Abū Ṭālib used to say that by *mā astaisar min al-hadyi* [ii. 196] is meant a sheep.

(856) It reached Mālik that 'Abd Allah b. 'Abbās used to say that by *mā astaisar min al-hadyi* was meant a sheep.

(857) Nāfi' reported : 'Abd Allah b. 'Umar used to say that by *mā astaisar min al-hadyi* was meant a sheep or a cow.

(858) 'Abd Allah b. Abū Bakr reported : Ruqayyah, a freed slave-woman of 'Umrah daughter of 'Abd al-Raḥmān, said that she started for Mecca with 'Umrah daughter of 'Abd al-Raḥmān. 'Umrah reached Mecca on 8 Dhī al-Ḥijjah along with her. She did the *ṭawāf* of the House and performed the *sa'ī* between Ṣafā' and Marwah. She then went into the mosque and asked : Have you (a pair of) scissors ? On her saying that she did not, she asked her to search for a pair and bring it and she fetched one. 'Umrah cut with them the locks of her hair and on the day of sacrifice sacrificed one sheep.[199]

Chapter 242

MISCELLANEOUS *AḤĀDĪTH* ABOUT *HADYI*

(859) Ṣadqah b. Yasār al-Makkī reported : A dweller of Yemen came to 'Abd Allah b. 'Umar and he had twisted his hair. He said : O Abū 'Abd al-Raḥmān, I came with *iḥrām* worn only for *'Umrah*.

199. Cutting the locks of hair was due to her doing *tamāttu* . After doing *'Umrah*, cutting her hair, she performed *Ḥajj* and sacrificed a sheep.

'Abd Allah b. 'Umar replied : If you had been with me or had asked me, I would have ordered you to combine *Ḥajj* and *'Umrah.* The man said : But it is all now past. 'Abd Allah b. 'Umar said : Cut off all your dishevelled hair and offer sacrifice. A woman of Iraq asked : O Abū 'Abd al-Raḥmān, what is its sacrifice ? He replied : The sacrifice that is for it. The woman asked what it was. 'Abd Allah b. 'Umar said : As far as I am concerned, even if I get nothing except a sheep, it is better to sacrifice a sheep than observe fast.

(860) Nāfi' reported : 'Abd Allah b. 'Umar used to say that a woman who should have worn *iḥrām* should not comb her hair after putting off the *iḥrām* until she has the locks of her hair cut, and if she had the sacrificial animal with her, she should not cut her hair until she had sacrificed her animal.

(861) Abū Asmā', the freedman of 'Abd Allah b. Ja'far, reported that he started with 'Abd Allah b. Ja'far from Medina for *Ḥajj* and passed Ḥusain b. 'Alī on the way and he lay sick at Suqyā'. 'Abd Allah b. Ja'far stayed at the place until he feared that the *Ḥajj* would be lost, and started. He sent a man to 'Alī b. Abū Ṭālib and (to his wife) Asmā', daughter of 'Umais, who were both at Medina. They arrived and Ḥusain made a sign towards his head. 'Alī b. Abū Ṭālib ordered his head to be shaved at Suqyā' and sacrificed a camel on his behalf at Suqyā'. Yaḥyā b. Sa'īd said that Ḥusain had started with 'Uthmān b. 'Affān for the journey to Mecca.

Chapter 243

STOPPING AT 'ARAFĀT AND MUZDALIFAH

(862) It reached Mālik that the Apostle of Allah (may peace be upon him) had said : The whole of 'Arafāt is a halting place, but do not stop at Baṭn 'Urnah ; the whole of Muzdalifah is a halting place, but do not stop at Baṭn Muḥassar.

(863) 'Abd Allah b. Zubair used to say : Know that all 'Arafāt is a halting place except Baṭn 'Urnah ; all Muzdalifah is a halting place except Baṭn Muḥassar.

Halting at 'Arafāt or Muzdalifah without Ablution and Halting on the Back of an Animal (Riding)

Yaḥyā said : Imām Mālik was asked whether a man could halt at 'Arafāt or Muzdalifah or throw pebbles or run between Ṣafā' and Marwah with ablution. He said that what a menstruating woman could do, a man without ablution could do without penalty, but it is better to be with ablution and not to be intentionally without ablution. Questioned whether in 'Arafāt one could halt riding on the camel, Mālik said : Only if he or his camel had some reason. The Apostle of Allah (may peace be upon him) halted at 'Arafāt riding.

Chapter 244

THE EXTENT OF STAY AT 'ARAFĀT

(864) Nāfi' reported : 'Abd Allah b. 'Umar used to say that he who did not stop at 'Arafāt till the morning of the day of sacrifice lost his *Ḥajj* and he who stopped at 'Arafāt prior to the dawn obtained his *Ḥajj*.[200]

(865) 'Urwah b. Żubair said : When it is dawn after the night of Muzdalifah and one did not stay at 'Arafāt, his *Ḥajj* is lost and he who stopped at 'Arafāt on the night of Muzdalifah, before day-break, got the *Ḥajj*.

Chapter 245

SENDING WOMEN AND CHILDREN IN ADVANCE

(866) Sālim and 'Ubaid Allah, the two sons of 'Abd Allah b. 'Umar, reported that their father 'Abd Allah b. 'Umar used to send women and children in advance from Muzdalifah to Minā, so that, after saying the morning prayer at Minā, they may pelt pebbles before the arrival of people.

(867) The freed woman of Asmā', daughter of Abū Bakr, reported : We arrived at Minā with Asmā', daughter of Abū Bakr, when it was still dark and I said : We had come when it is still dark. Asmā'

200. The time for staying at 'Arafāt is from midday of the 9th till the morning of the day of sacrifice. If one stays even for a while during this time, his *Ḥajj* would be considered as accomplished.

said : We used to do so in the company of him who was better than thee.

(868) It reached Mālik from some learned men that they considered it repugnant to pelt pebbles before the dawn of the day of sacrifice and he who pelted them, his sacrifice became valid.

(869) Hishām b. 'Urwah reported : Fāṭimah, daughter of Mundhir, used to see Asmā', daughter of Abū Bakr, at Muzdalifah ordering the person who conducted the prayers for her and her companions to say the prayer early in the morning. Then she used to mount and come back to Minā without halting there.

Chapter 246

SPEED OF DRIVING CAMEL ON RETURN FROM 'ARAFĀT

(870) 'Urwah b. Zubair reported : When I was sitting with Usāmah b. Zaid, a question was put to him as to how the Apostle of Allah (may peace be upon him) used to drive his camel during the Farewell *Ḥajj*. He replied : A little fast, but when he found space, very fast.

(871) Nāfi' reported : 'Abd Allah b. 'Umar used to make his camel go fast in Baṭn Muḥassar to the length of a stone-throw.

Chapter 247

SACRIFICING ANIMALS DURING *ḤAJJ*

(872) It reached Mālik that the Apostle of Allah (may peace be upon him) said regarding Minā : This is the place of sacrifice and all Minā is the place of sacrifice. During *'Umrah* he said regarding Marwah : This is the place of sacrifice and all paths leading to Mecca are places of sacrifice.

(873) 'Ā'ishah reported : We started with the Apostle of Allah (may peace be upon him) when five nights of the month of Dhū al-Qa'dah remained and we believed that he had started for *Ḥajj*. When we arrived near Mecca, the Apostle of Allah (may peace be upon him)

ordered the person who had no sacrificial animal to perform *ṭawāf* and *sa'ī* and put off the *iḥrām*. 'Ā'ishah said : On the day of the sacrifice there was brought to us beef and I asked where it came from. People said that the Apostle of Allah (may peace be upon him) had offered sacrifice on behalf of his wives.

(874) Ḥafṣah, Mother of the Believers, reported that she asked the Apostle of Allah (may peace be upon him) : While the people have taken off the *iḥrām*, you have not done so after performing '*Umrah*. He replied : I have a *talbīd* of my head[201] and belted the neck of my sacrificial animal and hence I will not put off *iḥrām* until I make the sacrifice.

Chapter 248

THE SACRIFICE

(875) Ja'far b. Muhammad reported from his father 'Alī b. Abū Ṭālib that the Apostle of Allah (may peace be upon him) slaughtered some of his animals with his own hands and had some slaughtered by others.

(876) Nāfi' reported that 'Abd Allah b. 'Umar said : He who offered a *badnah*,[202] he should hang a couple of sandals from its neck and shave and then slaughter it near the House (of Allah) or at Minā on the day of sacrifice. There is no other place for the purpose. The person who made a gift of a camel or a cow for sacrifice is entitled to slaughter it wherever he likes.

(877) Hishām b. 'Urwah reported that his father used to slaughter his camels standing.

Chapter 249

SHAVING OF HEAD

(878) 'Abd Allah b. 'Umar reported : The Apostle of Allah (may

201. *Talbid* is to set the hair by means of gum, etc., so that they may not remain disarranged.

202. *Badnah* is a camel or a cow or a bullock which should be sent to Mecca for sacrifice.

peace be upon him) said : May the Lord be merciful to those who do *ḥalq*[203] (head-shavers) and the companions said : And to those who do *qaṣr*[204] (hair-cutters), Apostle of Allah ? He said : May the Lord be merciful to the shavers of the head ! The Companions said : And to the cutters of hair, Apostle of Allah ? And he said : And to the cutters of hair.

(879) 'Abd al-Raḥmān b. Qāsim reported that his father used to come at night to Mecca wearing the *iḥram* of *'Umrah* and after the *ṭawāf* and the *sa'ī* between Ṣafā' and Marwah delayed shaving the head until morning, but until he shaved, he did not do the *ṭawāf* of the House (of Allah). Sometimes he came and said *wiṭr* prayer in the mosque, but did not go near the House.

Chapter 250

QAṢR (CUTTING OF HAIR)

(880) Nāfi' reported : When 'Abd Allah b. 'Umar finished his fasts of the month of Ramaḍān and intended to go for *Ḥajj*, he would not cut the hair of his head and beard until the performance of the *Ḥajj*.

(881) Nāfi' reported : When 'Abd Allah b. 'Umar shaved during *Ḥajj* or *'Umrah* he had the hair of his beard and moustaches trimmed.

(882) Rabī'ah b. 'Abd al-Raḥmān reported : A man came to Qāsim b. Muḥammad and said : I performed *Ṭawāf al-Ifāḍah* and with me my wife also did it. I then went towards a hillock to cohabit with my wife but she said that she had not cut her hair yet. I then cut her hair with my teeth and cohabited with her. Qāsim b. Muḥammad laughed and said : Ask your wife to cut her hair with the scissors.

(883) 'Abd Allah b. 'Umar met a relation of his whose name was Mujabbar.[205] He had done the *Ṭawāf al-Ifāḍah* and had neither shaved nor cut his hair out of ignorance. 'Abd Allah b. 'Umar asked him to go back and to shave or cut his hair and do again the *Ṭawāf al-Ziyārah*.

203. *Ḥalq* means shaving the whole head.

204. *Qaṣr* means cutting the hair of the head.

205. He was the son of 'Abd al-Raḥmān b. 'Umar and the nephew of 'Abd Allah b. 'Umar.

(884) It reached Mālik that whenever Sālim b. 'Abd Allah b. 'Umar intended to put on *iḥrām*, he sent for a pair of scissors and cut his moustaches and beard before mounting and before saying *Labbaik* after putting on *iḥrām*.

Chapter 251

THE *TALBĪD*[206]

(885) 'Abd Allah b. 'Umar reported from 'Umar b. al-Khaṭṭāb that the man who does his hair (at the time of putting on *iḥrām*) should shave (at the time of putting off *iḥrām*) and should not set his hair in such a manner as to look like *talbīd*, fixation of hair.

(886) Sa'īd b. al-Musayyab reported : 'Umar b. al-Khaṭṭāb said : For him who ties up his hair or fixes his hair (at the time of *iḥrām*) it becomes obligatory for him to shave.

Chapter 252

TO SAY PRAYER INSIDE THE HOUSE (OF ALLAH) AND TO SHORTEN THE *KHUṬBAH*

(887) 'Abd Allah b. 'Umar reported : The Apostle of Allah (may peace be upon him) entered the Ka'bah and with him were 'Usāmah b. Zaid, Bilāl b. Ribāḥ and 'Uthmān b. Ṭalḥah al-Ḥajabī. The door was closed and they remained in. I asked Bilāl what the Apostle of Allah (may peace be upon him) did. He said : He kept one pillar towards the left and two pillars towards the right and three behind him and then said his prayers. In those days there were six pillars in the Ka'bah.

(888) Sālim b. 'Abd Allah b. 'Umar reported : (Khalīfah) 'Abd al-Malik b. Marwān wrote to Ḥajjāj b. Yūsuf : Do not go against 'Abd Allah b. 'Umar in anything relating to the rites of *Ḥajj*. When the day of 'Arafah came, 'Abd Allah b. 'Umar came out at the decline of the sun and I was with him and called out at the tent of Ḥajjāj : Where is he ? And Ḥajjāj came out enveloped in a yellow cloth and

206. For the meaning of *talbid*, see footnote 202 above.

said: O Abū 'Abd al-Raḥmān, what is it? 'Abd Allah b. 'Umar replied: If you want to act in accordance with the *Sunnah*, come. Ḥajjāj asked: At this very hour? He replied: Yes. Ḥajjāj said: Give me time so that I may bathe and then I shall come. 'Abd Allah b. 'Umar dismounted. Ḥajjāj came out between me and my father. I told him: If you intend to follow the *Sunnah*, shorten the *khuṭbah* and say quickly the prayer service. He looked at 'Abd Allah b. 'Umar to hear it from him. When 'Abd Allah saw this, he said: Sālim spoke right.

Chapter 253

REGARDING SAYING OF PRAYERS IN MINĀ AND TO SAY PRAYERS AT 'ARAFĀT

(889) Nāfi' reported: 'Abd Allah b. 'Umar used to say the ẓuhr, 'aṣr, maghrib and 'ishā' prayers at Minā and when the sun came out in the morning he went to 'Arafāt.

Chapter 254

PRAYER AT MUZDALIFAH

(890) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) combined the maghrib and 'ishā' prayers at Muzdalifah.

(891) Usāmah b. Zaid reported: The Apostle of Allah (may peace be upon him) returned from 'Arafāt and when he reached the valley he dismounted, passed urine and made ablution but did not complete the ablution. I said: Prayer, Apostle of Allah? He said: Prayer is farther off. He mounted up. When we arrived at Muzdalifah, he performed complete ablution. When the *takbīr* was said, he said the maghrib prayer. Each man then seated his camel at its place. The *takbīr* for 'ishā' was then said and the 'ishā' prayer was offered. Between these two he said no other prayer.

(892) Abū Ayyūb Anṣārī said: Maghrib and 'ishā' prayers were combined at Muzdalifah on the occasion of *Ḥajj al-Widā'* with the Apostle of Allah (may peace be upon him).

(893) Nāfi' reported : 'Abd Allah b. 'Umar used to say the maghrib and 'ishā' prayers combined at Muzdalifah.

Chapter 255

PRAYERS AT MINĀ

(894) 'Urwah b. Zubair reported : The Apostle of Allah (may peace be upon him) said two instead of four *rak'ahs* of prayer at Minā. And Abū Bakr said two *rak'ahs* at Minā. 'Umar b. Khaṭṭāb also said two *rak'ahs*, and 'Uthmān b. 'Affān said two *rak'ahs* at Minā for half the period of his *Khilāfat* and thereafter four.

(895) Sa'id b. al-Musayyab reported : When 'Umar b. al-Khaṭṭāb arrived at Mecca, after saying two *rak'ahs*, he told the people : O people of Mecca, you complete your prayer, for we are travellers. At Minā also he said two *rak'ahs* only, but we do not know whether he spoke anything there.

(896) Aslam al-'Adawī reported : 'Umar b. al-Khaṭṭāb said two *rak'ahs* of prayer at Mecca and took his way saying : O people of Mecca, you complete your prayer, for we are travellers. At Minā also he said two *rak'ahs*, but we did not learn that he spoke anything there.

Prayer of One Who Stays at Mecca and Minā

Mālik said : One who arrived at Mecca after seeing the crescent of Dhū al-Ḥijjah and put on *iḥrām* should, so long as he stays in Mecca, offer full four *rak'ahs*, for he has intended to stay for more than four nights.

Chapter 256

TAKBĪRS OF THE DAYS OF *TASHRĪQ*

(897) Yaḥyā b. Sa'id learnt that 'Umar b. al-Khaṭṭāb came out on the day of sacrifice. After daybreak, he said *takbīr* and the people also said *takbīr* with him. The next day he came out again when the day came out a little and said *takbīr* and the people also said *takbīr* with him. He then set out when the sun declined and said *takbīr* and the people also said *takbīr* with him, so that one *takbīr* combined with

the other and its sound reached the House and the people learnt that 'Umar b. al-Khaṭṭāb had started for *ramī*.

Chapter 257

THE PRAYERS OF MU'ARRAS[207] AND MUḤASSAB[208]

(898) 'Abd Allah b. 'Umar reported : The Apostle of Allah (may peace be upon him) seated his camel at Baṭḥā[209] which is in Dhū al-Ḥulaifah and said his prayer there. Nāfi' said that 'Abd Allah b. 'Umar used to do the same.

(899) Nāfi' reported : 'Abd Allah b. 'Umar used to say his ẓuhr, 'aṣr, maghrib and 'ishā' prayers at Muḥassab and go to Mecca at night and do the *tawāf* of the House.

Chapter 258

TO PUT UP AT MECCA DURING MINĀ DAYS

(900) Nāfi' reported.: People said that 'Umar b. al-Khaṭṭāb used to delegate some men for the purpose of diverting people towards Minā from behind 'Aqabah.

(901) 'Abd Allah b. 'Umar reported : 'Umar b. al- Khaṭṭāb said that no Ḥāji should remain on this side of 'Aqabah in the nights at Minā.

(902) Hishām b. 'Urwah reported that his father said that in the nights of Minā nobody should be in Mecca, but remain at Minā.

Chapter 259

THROWING OF PEBBLES

(903) It reached Mālik that 'Umar b. al-Khaṭṭāb used to stop at

207. Mu'arras is a place at a distance of six miles from Medina on the way to Mecca.

208. Muḥassab is a place one mile from Mecca. After returning from Minā people stay here for a while. Mālik said that if after performing *Ḥajj* anyone goes back to Medina, he should stay at Mu'arras and say his prayers there. If it is not prayer time one must wait for it and then say the requisite number of *rak'ahs*.

209. *Baṭḥā* is a place where there are too many pebbles.

the two Jamrahs for a long time (for supplication) so that the people standing used to get tired.

(904) Nāfi' reported : 'Abd Allah b. 'Umar used to stop for such a long time at the two Jamrahs and say *takbīr* and *tasbīḥ* and *taḥmīd* and pray to Allah. He did not stop at Jamrat al-'Aqabah.

(905) Nāfi' reported : 'Abd Allah b. 'Umar used to say *takbīr* each time he pelted stones.

(906) Nāfi' reported : 'Abd Allah b. 'Umar used to say that if a person found himself in Minā at sunset on the 12th he should not leave Minā until he throws pebbles the next day.

(907) Qāsim b. Muḥammad reported : When the people would go for throwing pebbles they would go on foot and return on foot. Mu'āwiyah b. Abū Sufyān was the first person to mount while going for throwing the pebbles.[210]

(908) Mālik asked 'Abd al-Raḥmān b. Qāsim wherefrom Qāsim b. Muḥammad threw his pebbles of Jamrat al-'Aqabah and was told that he did it from wherever it was found possible.[211]

(909) Nāfi' reported : 'Abd Allah b. 'Umar used to say that *ramī* should be done all the three days after decline of the sun.[212]

Chapter 260

EXEMPTION FROM STAYING IN MINĀ AT NIGHT

(910) 'Āṣim b. 'Adī reported : The Apostle of Allah (may peace be upon him) gave permission to camel-drivers to spend the night at their houses, pelt stones on the day of sacrifice and the next morning and on the third day; if they stayed further, they pelt stones on the fourth day also.[213]

210. He was a fat man and found it hard to go and come back on foot in the midst of a crowd.

211. Whether from below or from above, but to do it from below is better.

212. That is to say on 11th, 12th and 13th. One should start from 10th before decline or after but better before.

213. There was no security for their camels against theft at Minā ; besides they also needed to pasture them. They could not keep the camels with them on account of the great rush of people. Hence they were permitted by the Holy Prophet (may peace be upon him) to stay elsewhere. But none else is permitted to keep away from Minā during nights.

(911) ‘Aṭā’ b. Abī Ribāḥ reported that in early times the camel-drivers were allowed to do *ramī* at night.

(912) Nāfi‘ reported that the niece of Ṣafīyyah, daughter of Abū ‘Ubaid, had blood flow (after childbirth) at Muzdalifah. She and Ṣafīyyah stayed away, so that when they reached Minā the sun of the day of sacrifice had set. ‘Abd Allah b. ‘Umar ordered them to pelt stones when they came to Minā and laid no obligation on them.

Chapter 261

ṬAWĀF AL-IFĀḌAH

(913) ‘Abd Allah b. ‘Umar reported : ‘Umar b. al-Khaṭṭāb delivered a sermon at ‘Arafāt and taught the rules and rites of *Ḥajj* and told them : When you come to Minā and finish pelting stones, all the things become valid for you that were not allowed for the pilgrims except intercourse with wives and application of scent. No person should have intercourse or apply scent until he has done the *ṭawāf* of the House.

(914) ‘Abd Allah b. ‘Umar reported : ‘Umar b. al-Khaṭṭāb declared that whoever pelts stones and shaves his head or cuts the hair and if he has *hadī* (sacrificial animal) sacrifices it, all those things shall become valid for him that had been interdicted except intercourse with wives and application of scent which will not be allowed until the *ṭawāf* of the House.

Chapter 262

ENTRANCE OF A MENSTRUATING WOMAN IN MECCA

(915) ‘Ā’ishah, Mother of the Believers, reported : We started in the year of the Farewell *Ḥajj* with the Apostle of Allah (may peace be upon him) and put on the *iḥrām* of *‘Umrah*. The Apostle of Allah (may peace be upon him) said : Whoever has the sacrificial animal with him should put on the *iḥrām* of both *Ḥajj* and *‘Umrah* and should not take it off until both are performed. She (‘Ā’īshah) said : I

arrived at Mecca in a state of menstruation and, therefore, I neither did the *ṭawāf* nor the *sa'ī* between Ṣafā' and Marwah and complained about it to the Apostle of Allah (may peace be upon him). He told me: Unbraid your hair and comb them and leave off *'Umrah* and put on the *iḥrām* of *Ḥajj*. I acted accordingly. When the *Ḥajj* was performed, the Apostle of Allah (may peace be upon him) sent me with 'Abd al-Raḥmān b. Abū Bakr to Tan'īm. I performed the *'Umrah* and the Apostle of Allah (may peace be upon him) said: This *'Umrah* is a substitution of that *'Umrah* of thine. Those who had put on *iḥrām* for *'Umrah* did the *ṭawāf* and *sa'ī* and everything became valid for them. They did the second *ṭawāf* of *Ḥajj* after returning from Minā. Those who had put on *iḥrām* for *Ḥajj* and *'Umrah*, at one and the same time, did but one *ṭawāf*.

(916) 'Urwah b. Zubair has also reported from 'Ā'ishah to the same effect.

(917) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported: I arrived at Mecca in a menstruating condition and I did not do the *ṭawaf* of the House, nor the *sa'ī* between Ṣafā' and Marwah. I complained of this to the Apostle of Allah (may peace be upon him). He said: Do what the pilgrims do; only do not do the *ṭawāf* of the House and *sa'ī* between Ṣafā' and Marwah until you get clean.

Chapter 263

ABOUT *ṬAWĀF AL-ZIYĀRAH* OF A MENSTRUATING WOMAN

(918) 'Ā'ishah, Mother of the Believers, reported: When Ṣafīyyah had started menstruating, she reported it to the Apostle of Allah (may peace be upon him), who said: She is our detainer. The people said: She has already performed the *Ṭawāf al-Ifāḍah*. He (the Apostle) said: In that case, no.

(919) 'Ā'ishah, Mother of the Believers, reported: I said to the Apostle of Allah (may peace be upon him) that Ṣafīyyah had started menses. He said: She will perhaps restrain us. Has not she performed

the *ṭawāf*? The woman answered: Yes, she has performed. He said: Let us go.

(920) 'Amrah, daughter of 'Abd al-Raḥmān, reported: When 'Ā'ishah, Mother of the Believers, performed the *Ḥajj* with the women and feared starting of menses, she would send them on the day of sacrifice for the *Ṭawāf al-Ifāḍah.* When they should have done that and the menses started thereafter, she did not wait for them to get clean but started.

(921) 'Ā'ishah, Mother of the Believers, reported: The Apostle of Allah (may peace be upon him) spoke of Ṣafīyyah, daughter of Ḥuyayy. The people said: She had started menses. He replied: Perhaps she would be the cause of their detention. The people said: Apostle of Allah, she has done the *ṭawāf* already. The Apostle of Allah (may peace be upon him) then said: Then there is nothing.

(922) Hishām said that 'Urwah reported: 'Ā'ishah declared: When we tell men that to send women in advance for *ṭawāf* is not advantageous, why do they send them? If it was correct as they imagine that it is necessary to wait for the Farewell *Ṭawāf*, then more than a thousand women would lie at Minā in a state of menstruation waiting for the Farewell *Ṭawāf.*

(923) Abū Salamah b. 'Abd al-Raḥmān reported: Umm Sulaim, daughter of Milḥān, asked (the opinion of) the Apostle of Allah (may peace be upon him) that she had menstruated or was confined after child-birth after the *Ṭawāf al-Ifāḍah* on the day of sacrifice. The Apostle of Allah (may peace be upon him) gave her permission to leave and she went away.[214]

Chapter 264

ABOUT COMPENSATION FOR KILLING OF BIRDS AND ANIMALS

(924) Abū Zubair al-Makkī reported: 'Umar b. al-Khaṭṭāb ordered the penalty of a sheep for killing a hyena and a sheep for a

214. Mālik said: Should a woman begin to menstruate at Minā, she should wait until she has performed *Ṭawāf al-Ifāḍah*. If menses start after performing *Ṭawāf al-Ifāḍah* she should go home as permitted by the Holy Prophet (may peace be upon him).

deer and the young one of a sheep one-year old for a rabbit, and a four-month old young one of a sheep for a wild rat.

(925) Muḥammad b. Sīrīn reported : A man came to 'Umar b. al-Khaṭṭāb and said : I raced with a companion in a narrow upland and we shot a deer and we were both in *iḥrām*. Then, what do you say? 'Umar b. al-Khaṭṭāb called a man who was sitting by his side and said : Come, let us both join and decide. They both declared the penalty of a sheep. The man turned his back saying : This is the Commander of the Believers who is not capable of deciding alone regarding a deer but requires a man to aid him ! 'Umar b. al-Khaṭṭāb heard this and sent for him and asked him whether he had read Sūrat al-Mā'idah, and he answered that he had not. He asked : Do you know the man whom I collaborated in giving the decision, and he said he did not. 'Umar then said : If you had said that you have read Sūrat al-Mā'idah, I would have beaten you, and added : The Lord says in the Book : "Let cases of penalty be decided by two just men amongst you" [v. 106]. It shall be the sacrificial animal that shall be taken to the Ka'bah. This man is 'Abd al-Raḥmān b. 'Auf.[215]

(926) Hishām b. 'Urwah reported that his father used to say that a cow is the penalty for a wild cow and a sheep for a deer.

(927) Sa'id b. al-Musayyab reported that if a pigeon of Mecca is killed, the penalty of a sheep becomes obligatory.

Chapter 265

THE PENALTY FOR KILLING A LOCUST

(928) Zaid b. Aslam reported : A man came to 'Umar b. al-Khaṭṭāb and said : O Commander of the Believers, I killed a few locusts with my whip and I was in *iḥrām*. He answered, Feed someone with a handful of food.

(929) Yaḥyā b. Sa'id reported : A man came to 'Umar b. al-

215. This man, out of ignorance, thought that 'Umar was not able to decide the matter alone ; and that the other man was an ordinary person and not worth consultation. Ḥaḍrat 'Umar explained to him both the things : the word of Allah that two just men should decide about the penalty ; the man who was called for consultation was the high-ranking person, 'Abd al-Raḥmān b. 'Auf, one of the *'Ashrah Mubashsharah*.

Khaṭṭāb and said that he had killed a locust in the state of *iḥrām*. 'Umar b. al-Khaṭṭāb told Ka'b : Come, let us both decide. Ka'b said that a dirham must be paid. 'Umar said : Thou hast many dirhams. In my opinion a date is better than a locust.[216]

Chapter 266

THE PENALTY FOR SHAVING HEAD BEFORE THE SACRIFICE

(930) Ka'b b. 'Ujrah reported that he was in the company of the Apostle of Allah (may peace be upon him) and in a state of *iḥrām*. There were lice in his head. The Apostle of Allah (may peace be upon him) ordered him to shave his head and to keep fasts for three days or to give to six destitute persons two mudds of food each, or sacrifice a sheep. Any of these will suffice.

(931) Ka'b b. 'Ujrah reported that the Apostle of Allah (may peace be upon him) asked him : Perhaps the lice are troubling thee. He answered : Yes, Apostle of Allah. The Apostle of Allah (may peace be upon him) said : Shave your head and either fast for three days or feed six destitute persons or sacrifice a sheep.

(932) Ka'b b. 'Ujrah reported : The Apostle of Allah (may peace be upon him) came to me and I was blowing into the fire of my companions and the hair of my head and beard were full of lice. He took hold of my forehead and said : Shave these hair and fast for three days or feed six poor persons, and the Apostle of Allah (may peace be upon him) knew that I had not the wherewithal to offer a sacrifice.

Chapter 267

ABOUT A PERSON WHO FORGETS A *RUKN*

(933) Sa'īd b. Jubair reported that Ibn 'Abbās said : A man who forgets any one of his tasks or leaves he should offer a sacrifice. Ayyūb said : I do not remember whether he said "forget" or "leave"

216. The penalty for killing a locust is one date or a handful of food is enough.

Chapter 268

MISCELLANEOUS *AḤĀDĪTH* ABOUT *ḤAJJ*

(934) 'Abd Allah b. 'Amr b. al-'Āṣ reported: The Apostle of Allah (may peace be upon him) stopped at Minā on the occasion of the Farewell *Ḥajj* and people used to ask him about the solution of their doubts and difficulties. A man came and said: Apostle of Allah, I shaved my head in ignorance prior to the sacrifice. The Apostle of Allah (may peace be upon him) said: Offer the sacrifice now, there is no harm. Another person came and said: Apostle of Allah, I, in ignorance, offered sacrifice prior to *ramī*. The Apostle of Allah (may peace be upon him) said: Do *ramī*, there is no harm. When he was asked about doing a prior thing later or *vice versa* he replied: Do it and there is no harm.[217]

(935) 'Abd Allah b. 'Umar reported that when the Apostle of Allah (may peace be upon him) turned back from *jihād* or '*Umrah*, he would say *takbīr* three times at every incline, then he used to say:

لَا إِلٰهَ إِلَّا اللّٰهُ وَحْدَهُ لَا شَرِيكَ لَهُ لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلٰى كُلِّ شَيْءٍ قَدِيرٌ ۔
آيِبُونَ تَائِبُونَ عَابِدُونَ سَاجِدُونَ لِرَبِّنَا حَامِدُونَ صَدَقَ اللّٰهُ وَعْدَهُ وَنَصَرَ عَبْدَهُ
وَهَزَمَ الْأَحْزَابَ وَحْدَهُ ۔

"There is no god except Allah, One, without any associate, His is the earth, His is Praise, and He has power over all things.

"We are the comersback, the repenters, the worshippers of Allah, the prostrators to the Lord and the praisers of our Creator. Thus the Lord has made His promise true, has helped His servant (the Holy Prophet) and made the enemy flee."

(936) Kuraib, the freedman of 'Abd Allah b. 'Abbās, reported that the Apostle of Allah (may peace be upon him) passed by a woman who was in her *maḥāfah*. She was told that he was the Apostle of Allah (may peace be upon him). She took hold of the arm of her child and asked: Would there be *Ḥajj* for this boy also? He said: Yes, and the reward will be yours.

217. It is clear from this *ḥadīth* that if, through ignorance, the performance of an earlier rite is done later on, or a later rite is given priority, there is no harm—neither by way of sin or penalty.

(937) Ṭalḥah b. 'Ubaid Allah b. Kuraiz reported that the Apostle of Allah (may peace be upon him) declared: There is no day when Satan is perceived to be baser, more cursed, detested and furious than the day of 'Arafah, for he sees the mercy of the Lord descending on that day and great sins being pardoned off. On the day of Badr, the state of Satan was the same. The people asked: How is it, Apostle of Allah? He said: He saw that day Gabriel arraying the angels in ranks.

(938) Ṭalḥah b. 'Ubaid Allah b. Kuraiz reported that the Apostle of Allah (may peace be upon him) said: The best prayer is the prayer of 'Arafah and the best of all is that when I and the Messengers of the Lord before me said, viz:

لَا إِلٰهَ إِلَّا اللّٰهُ وَحْدَهُ لَا شَرِيكَ لَهُ ،

(939) Anas b. Mālik reported: When the Apostle of Allah (may peace be upon him) entered Mecca on the day of the Conquest, he was wearing a helmet. When he took it off a man came and said: Apostle of Allah, Ibn Khaṭal[218] is hanging by the curtains of the Ka'bah. He said, Kill him.[219]

(940) Nāfi' reported that when 'Abd Allah b. 'Umar started from Mecca (bound for Medina), he arrived at Qadīd and learnt of the riot and disturbance at Medina. He returned to Mecca without *iḥrām*.

(941) Ibn Shihāb reported to the same effect.

(942) 'Imrān al-Anṣārī reported: 'Abd Allah b. 'Umar came to me and I had dismounted under a tree on the way to Mecca. He asked me why I had dismounted under that tree. I said: I had done it for the sake of shade. He asked whether I had done so for anything else.

218. A heathen, 'Abd al-'Uzzā by name.

219. The Holy Prophet (may peace be upon him) ordered to kill Ibn Khaṭal because he first adopted Islam. The Holy Prophet (may peace be upon him) deputed him as a *muṣaddaq* (one who collects *zakāt*.) When proceeding he was given a freed Muslim slave to serve him. Ibn Khaṭal stopped after travelling a few miles. He ordered the slave to cook food and himself went to sleep. When he woke up he saw that the slave had not cooked the food. He killed the slave and turned from Islam and again became a heathen. He went to Mecca where he kept two slave-girls who used to sing insulting songs about the Holy Prophet (may peace be upon him).

I said : No, I had done so just for shade. 'Abd Allah b. 'Umar said that the Apostle of Allah (may peace be upon him) had said : When you reach at Minā between two hillocks—and he signed with his hand towards the East—there is a place called Sarar where there is a tree under which the navel of seventy Prophets was cut or seventy Prophets were appointed Messengers of Allah and he was glad on this account.

(943) Ibn Abī Mulaikah reported that 'Umar b. al-Khaṭṭāb passed by a leper-woman who was doing *ṭawāf* of the House. He said : O servant of the Lord, do not give trouble to people. It is better if you had remained at home ; consequently she confined herself to her home. A man met her later and said : The man who had advised you to remain at home has died ; now come out. She replied : I am not one who obeys a person during his life and disobeys him after his death.

(944) It reached Mālik that 'Abd Allah b. 'Abbās used to say that between the pillar (the Black Stone) and the door (the gate of Ka'bah) is *multazim.*[220]

(945) Muḥammad b. Yaḥyā b. Ḥibbān reported that a person passed by Abū Dharr at Rabdhah. Abū Dharr asked him where he was bound for. He said : *Ḥajj.* Abū Dharr said : Is there no other desire in your setting out ? He said : No. Abū Dharr said : Begin your work. The man said : I started until I arrived at Mecca and remained there. I then saw that people were crowding round a man. I thrust my way through them and found the same person whom I had met at Rabdhah, i.e. Abū Dharr. He saw me and recognised me and said : You are the same person to whom I had spoken.

(946) Mālik asked Abū Shihab whether it was proper to make a bet in *Ḥajj.* He said : Does anybody do it ?, and prohibited it.

Hajj of a Womar Who is Unaccompanied by a Maḥrim

Mālik said : Those women who have no husbands and have not yet performed *Ḥajj* and have no *maḥrim*, or have but cannot go, should go for *Ḥajj* along with women.

220. If anyone supplicates by sticking to *multazim* for the fulfilment of his desire or for removing his troubles, the Almighty Allah will grant his prayer.

Chapter 269

ABOUT THE FASTS OF THE PERSON WHO PERFORMS *TAMATTU‘*

(947) ‘Ā’ishah, Mother of the Believers, is reported to have said : The fast is for him who does *tamattu‘*, i.e. does ‘*Umrah* and then performs *Ḥajj*, and does not sacrifice animal and should keep fasts from the time of the *iḥrām* until the day of ‘Arafah ; and if he cannot fast during these days, then he should observe fasts during the days of Minā.

(948) ‘Abd Allah b. ‘Umar also has spoken to the same effect as ‘Ā’ishah.

VII. KITAB AL-JIHĀD

Chapter 270

PERSUASION FOR *JIHĀD*

(949) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said: The man who fights in the cause of the Lord may be compared to one who fasts (during the day) and prays (during the night) and is not weary of prayer or fast until he returns from the *jihād* (fight).[221]

(950) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) declared : The Lord stands security for one who fights in His cause and does not start from his house but with the intention of *jihād*, knowing His Word to be true that he will be admitted to Heaven or brought back to his house, from where he had issued with reward and booty.

(951) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said : The horses are of three kinds; a source of reward for a man and a source of protection for another and a source of sin for the third. They are a source of reward for him who harnesses them for *jihād* and lengthens their rope in the pasture-land. The farther the horse goes out to graze, the greater the good and virtue is in store for that man. If the horse should break through the rope and climb up one incline or two, every step taken by it and every dung it passes will add to the virtue. If it should go out to some river and drink its water, and it was not the intention of the owner to give it water, still the good would increase. Proper protection for him who harnesses them for trade and pays their *zakāt* and sin for him who uses them for pride or enmity to Muslims. The Prophet (may peace be upon him) was asked as to the case of asses. He answered

221. From the time of one's starting for *jihād* until his return, the *mujāhid* is supposed to be always busy in the worship of his Lord.

that nothing was communicated to him in this respect, except this verse which, singly, embraces all virtues:

فَمَن يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ ۝ وَمَن يَعْمَلْ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُ ۝ (٩٩: ٧، ٨)

"He who does a grain of good will get its reward and he who does a grain of evil will reap its harm" [xcix. 7-8].

(952) 'Aṭā' b. Yasār reported that the Apostle of Allah (may peace be upon him) declared : Shall I not tell you of the noblest man who occupies the highest place ? It is he who, holding his horse's reins, fights in the cause of the Lord. Shall I not tell you of the noble man who is next in rank to him ? It is he who, with a flock of sheep, says his prayer in a corner and gives *zakāt* and adores the Lord and makes none His partner.

(953) 'Ubādah b. Ṣāmit reported: We made a vow with the Apostle of Allah (may peace be upon him) to hear and to obey in ease and hardship, in happiness and sorrow, in this that we would not quarrel with him who is capable of governance, in this that we shall speak the truth and be steadfast on it, wherever we may be, and in the works of Allah we shall not fear if anybody threatens or abuses us.

(954) Zaid b. Aslam reported that Abū 'Ubaidah b. Jarrāḥ wrote to 'Umar b. al-Khaṭṭāb about the state of the Roman armies and his fears. 'Umar replied : May it be known that when a hardship comes upon a believer, the Lord grants happiness thereafter and one hardship cannot be superior to two comforts and verily the Lord says in His Book :

يَا أَيُّهَا الَّذِينَ آمَنُوا اصْبِرُوا وَصَابِرُوا وَرَابِطُوا وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ ۝ (٣ : ٢٠٠)

"O Believers ! be patient in face of difficulties and be steadfast in fight and fear the Lord—it may be, you will be relieved" [iii. 200].

Chapter 271

PROHIBITION OF TAKING THE QUR'ĀN IN ENEMY TERRITORY

(955) 'Abd Allah b. 'Umar reported that the Apostle of Allah

(may peace be upon him) prohibited taking the Qur'ān into the enemy territory. Mālik said that the reason for prohibition was lest the enemy should do acts of profanity.

Chapter 272

PROHIBITION OF KILLING WOMEN AND CHILDREN IN BATTLES

(956) 'Abd al-Raḥmān b. Ka'b reported that the Apostle of Allah (may peace be upon him) prohibited those people who killed Ibn Abī al-Ḥuqaiq[222] from killing women and children. One of them said : The wife of Ibn Abī al-Ḥuqaiq shouted out and disclosed our presence and I raised my sword but, remembering the command of the Apostle of Allah (may peace be upon him), restrained myself. Had it not been so, we would have rid of her also.

(957) Nāfi' reported that the Apostle of Allah (may peace be upon him) found women killed in some battles and he condemned such an act and prohibited the killing of women and children.

(958) Yaḥyā b. Sa'īd reported that when Abū Bakr Ṣiddīq sent an army to Syria, he went on foot with Yazīd b. Abū Sufyān who was the commander of a quarter of the forces. Yazīd said to Abū Bakr : Either you mount up or I shall dismount. Abū Bakr replied : Neither you will dismount nor will I ride. I consider these steps to be a virtue in the path of the Lord. You will find some people who imagine they have devoted their lives to Allah (the hermits), leave them to their work ; you will find some people who shave their heads in the middle (the Magi), strike them with your swords. I instruct you in ten matters : Do not kill women or children, nor the old and infirm ; do not cut fruit-bearing trees ; do not destroy any town ; do not cut the gums of sheep or camels except for purposes of eating ; do not burn date-trees nor submerge them ; do not steal from booty and do not be cowardly.

222. Ibn Abī al-Ḥuqaiq was a merchant who, Abū Rāfi' said, was a Jew. He lived in a fortification and used to speak ill of the Apostle of Allah (may peace be upon him). Five persons were deputed to kill him, and 'Abd Allah b. 'Atīk killed him.

(959) It reached Mālik that 'Umar b. 'Abd al-'Azīz wrote to one of his administrators: We have learnt that whenever the Apostle of Allah (may peace be upon him) sent out force, he used to command them: Fight taking the name of the Lord. You are fighting in the cause of the Lord with people who have disbelieved and rejected the Lord; do not commit theft, do not break vows; do not cut ears and noses, do not kill women and children. Communicate this to your armies. If God wills! Peace be on you.

Chapter 273

IF YOU GIVE PROTECTION TO ANYONE, KEEP YOUR WORD

(960) A man of Kūfah reported that 'Umar b. al-Khaṭṭāb wrote to a commander of the army: I have received information that some of you call an unbeliever when he mounts a hillock and gives up fighting, and ask him not to fear and then, getting the opportunity, kill him. I swear by Him Who is the Master of my life, if I should learn anyone doing so, I shall behead him.

Chapter 274

ABOUT ONE WHO GIVES ANYTHING IN THE WAY OF ALLAH

(961) Whenever 'Abd Allah b. 'Umar gave anything for purposes of *jihād*, he would say: When you reach Wādī al-Qurā, it is yours.[223]

(962) Yaḥyā b. Sa'īd reported that Sa'īd b. al-Musayyab used to say: Whenever a person is given anything for purposes of *jihād* and if he reached the place of *jihād*, that thing shall become his own.

223. Wādī al-Qurā was, in those days, the centre of fighting. It was at the border of Syria. This condition was laid to ensure that if the man reached Wādī al-Qurā, he will participate in *jihād*.

Chapter 275

MISCELLANEOUS *AḤĀDĪTH* ON BOOTY

(963) 'Abd Allah b. 'Umar reported : The Apostle of Allah (may peace be upon him) sent out an army towards Najd in which was 'Abd Allah b. 'Umar. Many camels were seized as booty and the share of each amounted to eleven or twelve camels and an additional camel was given.[224]

(964) Yaḥyā b. Sa'īd reported that he heard Sa'īd b. al-Musayyab saying that when people distributed the booty, they considered one camel as equivalent to ten sheep.

The Property in Which There is No Fifth Share

Mālik said : The unbelievers found near the port in Muslim territory, and they say that they are merchants and have been thrown out by the river, and the Muslims have no means to find out the truth about them, but they guess that the unbelievers have been shipwrecked or have disembarked on account of thirst without permission, the leader of the Muslims has full authority on them. The Muslims who capture them are not entitled to the fifth share in the booty taken.

Consuming of Booty of the Fifth Share Before Distribution

Mālik said : When the Muslims enter the territory of the non-believers and find there articles of food, it is right to eat them before distribution. Mālik said : Camels, oxen and goats also are articles of food and it is right to eat them before distribution if there is a necessity, and according to need. It is not, however, right to keep anything apart to be taken back home.

Imām Mālik was asked : If someone finds food in the non-believers' country, and eats out of it, is it right to take the remainder home or to sell it on his way? Mālik said : If he sells it during *jihād* he should deposit the proceeds with other articles of booty, but if he returns to his town, it is all right for him if he eats it or sells it, provided the thing is very insignificant like bread, meat, etc., not if the article in question is valuable.

224. The goods taken from the army of non-believers in the battles is called *ghanimah* (booty), four parts of which are distributed among the fighters and the fifth part is retained by the *imām*. He can give to any of the fighters more in lieu of any service. This army consisted of 4000 strong and every one of whom received twelve camels. The party of fighters among whom was 'Abd Allah b. 'Umar were given one additional camel.

Chapter 276

OF THINGS RETURNED BEFORE THE DISTRIBUTION OF BOOTY

(965) It reached Mālik that a slave of 'Abd Allah b. 'Umar fled with a horse. The non-believers seized them (both the slave and the horse). The Muslims then obtained them in booty again. And they were given back to 'Abd Allah b. 'Umar prior to distribution.

Chapter 277

OF GIVING WEAPONS AS ADDITIONAL BOOTY

(966) Abū Qatādah b. Rib'ī reported: We set out with the Apostle of Allah (may peace be upon him) for the Battle of Ḥunain. When we met the enemy (in battle) there was disorder among the Muslim ranks. I saw a Muslim being overpowered by a non-believer. I went from behind and struck him on the neck with the sword. He turned towards me and pressed me so hard that I seemed to taste death. Then he himself fell dead and released me. I then met 'Umar b. al-Khaṭṭāb and asked: What has happened to our men today? He replied: The Lord has willed it so. The men returned and the Apostle of Allah (may peace be upon him) said: Whoever kills a man will get his personal effects—if he has a witness. When I heard this, I stood up then thought who would be my witness, and sat down. He (the Apostle) said: Whoever kills a man will get his personal effects provided he has a witness. At this I stood up, but then wondered who my witness would be, and sat down again. He (the Apostle) said the same thing the third time. I stood up again. The Apostle of Allah (may peace be upon him) asked: What has happened to you, Abū Qatādah? I related the whole story. Meanwhile a man said: You spoke the truth, Apostle of Allah, and the things of that infidel are with me; grant them to me. Abū Bakr then spoke up: That shall never be. The Apostle of Allah (may peace be upon him) will never decide that a lion of Allah should fight for the Muslims and what is his due should

be given to you. The Apostle of Allah (may peace be upon him) said : Abū Bakr speaks the truth. Give them to Abū Qatādah. He gave them to me. I sold the armour and bought a garden in the locality of Banī Salamah. This was the first property I acquired in Islam.

(967) Qāsim b. Muḥammad reported that he heard a man asking 'Abd Allah b. 'Abbās the meaning of *al-anfāl*. Ibn 'Abbās said : Horse, armour and accoutrement are included in *nafal*. The man repeated his question and Ibn 'Abbās gave the same reply. The man spoke again : I am speaking of those *anfāl* which the Lord refers to in His Book, and Qāsim said he went on asking until 'Abd Allah b. 'Abbās felt disgusted and said : Do you know, he is like Ṣubaigh[225] who was beaten by 'Umar b. al-Khaṭṭāb.

Chapter 278

TO GIVE *NAFAL* OUT OF THE *KHUMS*

(968) Sa'īd b. al-Musayyab said that people used to give *nafal* from *khums*.[226]

About the Share of the Horse in Jihād

Mālik reported : 'Umar b. 'Abd al-'Azīz said that the horse has two shares while a man has one. Bukhārī related it from Ibn 'Umar that the Holy Prophet (may peace be upon him) gave two shares for the horse and one to the rider ; thus the rider got three shares and the footman got one share. Abū Dāwūd reported the same thing from Ibn 'Umar. Mālik said he had always been hearing this. Mālik was asked : A man brought with him a large number of horses. Will all the horses get the shares? Mālik said : No, only that horse will get the share riding on which he fights.

225. Ṣubaigh belonged to Iraq. He came to Medina during the Caliphate of 'Umar b. al-Khaṭṭāb and began to argue about analogous verses of the Holy Qur'ān. 'Umar beat him and turned him out towards Baṣrah and ordered that nobody should sit in his company.

Mālik was asked if anyone who killed a non-believer is entitled to get the arms and accoutrement of the non-believer without the permission of the *imām*. He replied : No, not without the order of the *imām*. It is at the discretion of the *imām* to give or refuse permission. With the exception of the Battle of Ḥunain I do not remember if the Holy Prophet (may peace be upon him) gave such an order in any other battle.

226. The *imām* is free to make a present out of the fifth part of the booty which he retains. He distributes the four parts. Mālik was asked if *nafal* is included in the booty. He replied that it was at the discretion of the *imām*, there was no rule for it.

Chapter 279

STEALING FROM THE BOOTY

(969) 'Umar b. Shu'aib reported that when the Apostle of Allah (may peace be upon him) returned from Ḥunain and intended to proceed to Ji'rānah, the people pestered him so greatly (for the distribution of the booty) that his camel went towards a thorny tree and the thorns stuck into his wrapping sheet which slipped down from his back. The Apostle of Allah (may peace be upon him) then said : Give me my sheet. Do you think I shall not distribute that which the Lord has bestowed upon you ? By the Lord, Who holds my life, if the Lord should grant you as many camels as are trees in Tihāmah, I shall distribute them and you will not find me either miserly or cowardly or untrue. The Apostle of Allah (may peace be upon him) then dismounted and stood amongst the men and said : If any one of you has taken even thread and needle bring it, for to steal the booty is an act of disgrace in the world and fire and evil on the Resurrection Day. He then lifted from ground the hair of a camel or sheep and said : By the Lord, Who holds my life, from the property that the Lord has given you, mine is not even so much except the fifth share and even that fifth share is also for you.[227]

(970) Zaid b. Khālid Jūhannī said that a man died in the Battle of Ḥunain and the matter was reported to the Apostle of Allah (may peace be upon him) who said : Say your prayer for your companion. The countenance of the people turned pale.[228] He then added : He had committed theft in booty. Zaid said that they opened out his goods and found some beads of the Jews not worth even two dirhams.

(971) 'Abd Allah b. Mughīrah b. Abī Burdat al-Kinānī reported : The Apostle of Allah (may peace be upon him) arrived at certain tribes and prayed for all the tribes except one, for amongst them was

227. The fifth share which the *imām* keeps back is generally utilised for the service of Muslims, i.e. building of bridges, forts and purchase of arms.

228. The reason is that the Holy Prophet (may peace be upon him) did not say prayer for him and advised people to do so.

a man underneath whose bed had been found a necklace of *'aqīq* that had been stolen. When the Apostle of Allah (may peace be upon him) came to that tribe, he said the *takbīr* as it is said at a funeral.[229]

(972) Abū Hurairah reported : We started with the Apostle of Allah (may peace be upon him) in the year of Ḥunain and obtained in booty not gold and silver but clothes and goods. Rifā'ah b. Zaid gave a black slave named Mid'am to the Apostle of Allah (may peace be upon him). The Apostle of Allah (may peace be upon him) then proceeded to Wādī al-Qurā. When we were at Wādī al-Qurā, Mid'am was taking down the saddle of the Apostle's camel, and a stray arrow struck him and he died. The people said : May the blessing of Heaven be his ! The Apostle of Allah (may peace be upon him) said : Never ; by the Lord Who holds my life, the blanket which he had taken from the booty at the Battle of Ḥunain prior to distribution has become fire and is burning on him. A man who heard this came out with one or two laces. The Apostle of Allah (may peace be upon him) said : This lace or two laces were of fire.

(973) 'Abd Allah b. 'Abbās said : The souls of people who steal from the booty become cowardly. The tribe which has much of adultery has much of death. The sustenance of the tribe which plays false in weights and measures is limited. The tribe which decides unjustly has much of bloodshed and the enemy overpowers the tribe which breaks its promises.

Chapter 280

MARTYRDOM

(974) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said : By the Lord Who holds my life, I desired to fight in the cause of the Lord and be killed, to be rendered back to life only to be killed again, again to be rendered back to life and killed.

229. By this it was meant that such people are like the dead who do not hear good advice and disobey orders.

Abū Hurairah used to repeat this thrice and said he stood as witness that he (the Prophet) said so.

(975) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) declared that the Lord will laugh at two persons on the Day of Resurrection : both of whom would be the murderers of each other and both will enter the heaven. One was who fought in the cause of the Lord and was killed ; the other, the murderer, was then blessed by the Lord and he accepted Islam, fought in *jihād* and died a martyr.

(976) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said : By the Lord Who holds my life, no man would be wounded in the cause of the Lord, but the Lord will know of it and, on the Day of Resurrection, blood will flow out of his wounds, the colour of which will be that of blood and the smell of which will be like that of musk.

(977) Zaid b. Aslam reported that 'Umar b. al-Khaṭṭāb used to pray to Allah : Do not cause me to be killed by the hand of a man who should have done even one *sajdah* to Thee, for, on account of the *sajdah*, he will contend with me on the Day of Resurrection.[230]

(978) Abū Qatādah Anṣārī reported that a man came to the Apostle of Allah (may peace be upon him) and said : Apostle of Allah, if I should be killed in the cause of the Lord in a state in which I am patient and sincere, when my face is in front and my back is not turned, will the Lord forgive me my sins ? The Apostle of Allah (may peace be upon him) replied : Yes. When the man turned his back and went, the Apostle of Allah (may peace be upon him) called him or ordered him to be called and said : What did you say ? He repeated his statement. The Apostle of Allah (may peace be upon him) said : Yes, but for indebtedness.[231] This was what Gabriel told me.

(979) Abū Naḍr, freedman of 'Umar b. 'Ubaid Allah, reported that the Apostle of Allah (may peace be upon him) while speaking of the martyrs in the Battle of Uḥud said : These are persons for whom

230. Ḥaḍrat 'Umar. in fact, wished that his murderer should be a non-believer who should go to Hell. Allah accepted his prayer, for he was killed by a Magi named Abū Lūlū.

231. A debt being one of the *ḥuqūq al-nās* does not lapse. It must be paid back or got remitted by the lender.

I am a witness.[232] Abū Bakr Ṣiddīq said : Are we not their brethren ? We became Muslims as they became Muslims, we fought in *jihād* as they fought. The Apostle of Allah (may peace be upon him) said : Why not, but I do not know what you will do after me. Abū Bakr began crying and said : Shall we be alive after you ?

(980) Yaḥyā b. Sa'īd reported : The Apostle of Allah (may peace be upon him) was sitting while a grave was being dug at Medina. A man seeing the grave said : What an evil place it is for a Muslim ! The Apostle of Allah (may peace be upon him) said : You speak evil. The man said : Apostle of Allah, I did not want to say this. My intention was that to be killed in the battle for the sake of the Lord is better. The Apostle of Allah (may peace be upon him) said : Undoubtedly, there is nothing better than to be killed in the cause of the Lord, but there is no spot in the whole world where I would like to have my grave than here (Medina). He repeated this three times.

(981) Zaid b. Aslam reported that 'Umar b. al-Khaṭṭāb used to say : O Lord ! I desire to be a martyr in Thy cause and die in the City of Thy Messenger.

(982) Yaḥyā b. Sa'īd reported that 'Umar b. al-Khaṭṭāb used to say : Charity is the piety of a Muslim, faith his account, and generosity his quality. Bravery and cowardice are natural attributes which Allah endows a man with as He desires. The coward leaves his father and mother and flees. The brave man fights with the man who obstructs his way home. Slaughter is a kind of death and a martyr is he who offers his life to the Lord.

Chapter 281

THE ACT OF THE BATHING OF A MARTYR

(983) 'Abd Allah b. 'Umar reported that 'Umar b. al-Khaṭṭāb

232. The Apostle (may peace be upon him) meant to say that he will stand as a witness on the Day of Resurrection to the efforts they made, their patience, and their perfect faith (*imān*). In the Battle of Uḥud seventy Muslims fell martyrs, Some of them left behind nine daughters and were happy to embrace martyrdom. Some of them who were eating dates threw them away and some of them desired that they would not go back. The Holy Prophet (may peace be upon him) had left back some very old Muslims but in the desire of martyrdom they too had followed the army.

was bathed and wrapped in the shroud and the funeral prayer was said in spite of the fact that he was a martyr.[233] May God bestow His mercy on him !

It reached Imām Mālik from the learned that the bodies of the martyrs should not be bathed, nor should the funeral prayer said for them ; rather they should be buried in the very clothes wearing which they are martyred.

Chapter 282

THE THING WHICH IS REPUGNANT IN THE WAY OF ALLAH, E.G. COMMITTING FRAUD

(984) Yaḥyā b. Sa'īd reported that 'Umar b. al-Khaṭṭāb used to send forty thousand camels a year to Syria, entrusting one camel to one man. To those going to Iraq he entrusted one camel to two men. A man of Iraq came and told 'Umar : Give me and Suḥaim a camel. 'Umar said : By the Lord, did you not mean by Suḥaim your water-skin ? He said : Yes.[234]

Chapter 283

EXCELLENCE OF *JIHĀD*

(985) Anas b. Mālik reported that whenever the Apostle of Allah (may peace be upon him) went to the Mosque of Qubā', he would proceed to the house of Umm Ḥarām, daughter of Milḥān (the aunt of Anas b. Mālik). She used to serve him with food and she was, at the time, married to 'Ubādah b. Ṣāmit. One day he went to her house and she served him with food and sat looking into his hair, and he slept.

233. The scholars are not agreed whether the Holy Prophet (may peace be upon him) said the funeral prayer for those martyred in the Battle of Uhud. Some traditions have it that he said the prayer, others deny this and say that he simply prayed for them. Mālik said : This (not offering funeral prayer for the martyrs) relates to those who are martyred in an expedition, but those who are wounded and carried back alive and die later should be bathed and funeral prayer offered for them just as was done in the case of 'Umar. 'Umar died after three days of his having been wounded.

234. The man made the request in such a way that 'Umar could think Suḥaim was a person. Then 'Umar understood that by Suḥaim the man meant his water-skin. In other words, he thus desired to obtain a camel for himself alone.

Then he awoke laughing. Umm Ḥarām asked : What made you laugh, Apostle of Allah ? He answered : Some people of my *Ummah* were presented to me who were embarking (the boat sailing) on the ocean, proceeding to *jihād* in the cause of the Lord, as kings mount the thrones, or like princes who mount their thrones—there is doubt as to what the traditionist Isḥāq said. She said : Apostle of Allah, pray that the Lord make me one of them. He prayed and laid down his head in sleep. He woke up again laughing. She asked : What made you laugh, Apostle of Allah ? He answered : Some people of my *Ummah* were presented to me who were going to *jihād* in the cause of the Lord, as kings are seated on their thrones or like kings who sit on their thrones. She said : Apostle of Allah, pray to the Lord that I may also be one of them. He answered : You are one of the previous party.[235] Later, Umm Ḥarām went in the time of Mu'āwiyah b. Abū Sufyān to the sea and was killed by a fall from her ride.

(986) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said : If it had not been hard on my *Ummah*, I would not have left the company of any force that set out in the cause of the Lord. But I have neither so many carriers as to have all men mounted, nor have they so many mounts as to enable them all to get out riding. If I ride alone, they find my leaving hard to them. I wish I could fight in the cause of the Lord and be killed, brought back to life again and killed, brought back to life again and killed.

(987) Yaḥyā b. Sa'īd reported that on the day of the Battle of Uḥud, the Apostle of Allah (may peace be upon him) said : Who will bring me news of Sa'd b. Rabī' Anṣārī ? A man[236] answered : I will, Apostle of Allah. He went and began to search for Sa'd amongst the dead. Sa'd asked : What do you want ? The man replied : The Apostle of Allah (may peace be upon him) has sent me to get information about you. He answered : Go to the Apostle of Allah (may peace be upon him) and greet him on my behalf and tell him that I have received twelve spear wounds and my wounds are mortal, and tell our people

235. This event occurred in the time of 'Uthmān b. 'Affān, the third Caliph, when the Muslim army under Mu'āwiyah went to fight the Romans. This was their first sea expedition.

236. The man was Ubayy b. Ka'b.

that, before the Lord, no excuse of yours will be acceptable if the Apostle of Allah (may peace be upon him) is martyred and a single man of you remains alive.

(988) Yaḥyā b. Sa'īd reported the Apostle of Allah (may peace be upon him) encouraged the men (on the Day of Badr) and gave them an account of Paradise. Meanwhile a man from the Anṣār came with dates in his hand which he was eating. He said : I would have great greed of the world if I remained therein waiting to eat dates. He then threw away the dates, took up the sword, fought and died a martyr.

(989) Mu'ādh b. Jabal said : *Jihād* is of two kinds : one is in which the best of property is expended and the companion is loved and the leader is obeyed and disturbance (riot) is avoided. This *jihād* is rewarded through and through. The other is that in which good property is not expended, neither is there love of one's mate and the leader is disobeyed and disturbance is not avoided. This is a *jihād* which, instead of bringing any reward, makes it difficult to return alive.

Chapter 284

ON HORSES AND RACES AND THEIR UTILISATION IN *JIHĀD*

(990) 'Abd Allah b. 'Umar reported : The Apostle of Allah (may peace be upon him) said : In the foreheads of horses are tied up welfare and bliss until the Day of Resurrection.

(991) 'Abd Allah b. 'Umar reported : The Apostle of Allah (may peace be upon him) laid a bet on the winning of the horses which had been trained for races from Ḥafyā[237] to Thanīyyat al-Wadā'[238] and for those horses that were not trained, for racing from Thanīyyat al-Wadā' to the mosque of Banī Zuraiq.[239] 'Abd Allah b. 'Umar also took part in the races.

(992) Yaḥyā b. Sa'īd reported that Sa'īd b. al-Musayyab used to say that there was no harm in betting on horse-racing if, between two contestants, a third man enters and he wins. He may take the bet money

237. Ḥafyā is a place outside Medina.

238. Thanīyyat al-Wadā' is five miles from Ḥafyā.

239. From Thanīyyat al-Wadā' to the mosque of Banī Zuraiq the distance is one mile.

and if he lags behind, he pays nothing.[240]

(993) Yaḥyā b. Sa'īd reported that people saw the Apostle of Allah (may peace be upon him) wiping the mouth of his horse with his cloth. The people asked the reason and he answered : Last night I was rebuked for not looking after my horse.

(994) Anas b. Mālik reported that the Apostle of Allah (may peace be upon him) started for Khaibar and reached it at night and whenever he came against the enemy at night he would not start fighting until morning. At morning, the Jews of Khaibar issued out with their pickaxes and spades. When they saw him, they said : By the Lord, it is Muḥammad and the whole force is with him. He cried out *Allah-o-Akbar*, Khaibar has been worsened.[241] When we dismounted in front of any nation, the morning of the frightened grew bad.

(995) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) declared : He who spends a couple (of camels, sheep, rupees) in the cause of the Lord, he would be called upon at the gate of the Heaven : O Servant of Allah, this is a bliss ! The man of prayer will be admitted from prayer gate, the man of *jihād* will be admitted from the *jihād* gate, the man of fasting from the gate of the "Rayyān". Abū Bakr Ṣiddıq said : Apostle of Allah, for a man who is called by one gate, there would be no trouble, but would there be a man who would be called from all the gates ? The Apostle of Allah (may peace be upon him) said : Yes, and I hope you would be one of them.

About the Land of the Dhimmī *Who Embraces Islam*

Imām Mālik was asked : If an *imām* levies *jizyah* on a nation of the non-believers, and one of them embraces Islam, will his land and property remain his or become the property of the Muslims ? Imām Mālik said : If the non-believers agree to pay *jizyah* amicably without resort to fighting anyone converting to Islam his land and property will be his, but if they are subdued by the sword, their lands and other property will become Muslim property even if any one of them converts to Islam.

240. The horse race is prohibited if two men bet that whoever wins the race will get the bet money and the other will pay.

241. It was considered a good omen—that the Khaibar would be destroyed—when Jews were seen coming out with pickaxes in their hands.

Chapter 285

BURYING OF TWO OR MORE PERSONS IN A GRAVE

(996) ‘Abd al-Raḥmān b. ‘Abd Allah b. ‘Abd al-Raḥmān b. Abī Ṣa‘ṣa‘ reported that ‘Amr b. Jamūḥ Anṣārī and ‘Abd Allah b. ‘Amr Anṣārī (Salamī) were martyred. Their grave was inundated and damaged by a flood, for it was near a stream. The two were in the same grave and had been martyred in the Battle of Uḥud. When the grave was dug up in order to bury their corpses separately, it was found that their bodies were intact and not decomposed as if they had died only the previous day. One of them had his hand on his wound. When burying his hand was removed from the place of wound, but it came back to its place. (At the time their corpses were removed) the Battle of Uḥud had been fought forty-six years ago ![242]

(997) Rabī‘ah b. Abī ‘Abd al-Raḥmān reported that money came to Abū Bakr Ṣiddīq from Baḥrain. He had the announcement made that if the Apostle of Allah (may peace be upon him) had promised anyone anything he should come forth to him. There came Jābir b. ‘Abd Allah. Abū Bakr gave him three full measures (handfuls).

242. Mālik said : If necessary, two or more persons can be buried in a grave, but the eldest of them should be laid towards the side of the *qiblah*.

VIII. KITAB AL-NADHR WA'L-AIMAN

Chapter 286

ON THE *NADHR* OF THOSE WHO VOW TO WALK ON FOOT

(998) 'Abd Allah b. 'Abbās reported that Sa'd b. 'Ubādah asked the opinion of the Apostle of Allah (may peace be upon him): My mother is dead and a *nadhr* was due from her. She did not fulfil it. He said : Fulfil then on her behalf.

(999) 'Abd Allah b. Abū Bakr reported that he heard from his aunt that his grandmother had vowed to walk on foot to the Mosque of Qubā'. But she died and could not fulfil her vow. 'Abd Allah b. 'Abbās ordered her daughter to carry it out on her behalf.[243]

(1000) 'Abd Allah b. Abī Ḥabībah reported : I was of young age and a person came and I told him : If anyone should say : "I intend to walk to the House of Allah" only and does not say : "I vow that I would walk on foot up to the House of Allah," he is under no obligation to fulfil the vow. The man said : I have in my hand this cucumber. I shall give it to you only if you say : It is for me to walk on foot up to the House of Allah. I said : Yes, I say it, and I said it. And on that day I was young. After a little I gathered my senses. It was told to me that it had become obligatory for me to walk (up to the Ka'bah). I went to Sa'īd b. al-Musayyab and asked him (his opinion). He too told me that it was obligatory that I should walk (up to the Ka'bah), and I walked (up to the House of Allah).

243. Imām Mālik said : None should carry out a vow of walking on foot on behalf of another. He did not consider such a vow essential except for walking up to Mecca, A vow to walk on foot to any other place is not necessarily to be fulfilled.

Chapter 287

ABOUT TAKING OF A VOW FOR WALKING UP TO THE HOUSE OF ALLAH

(1001) ‘Urwah b. Udhainat al-Laithī reported : I went out with my grandmother who had vowed to walk on foot up to the House of Allah. On the way, she got exhausted and sent her slave to ‘Abd Allah b. ‘Umar to ask and I accompanied him. He asked ‘Abd Allah b. ‘Umar and he replied : She may now mount and whenever she should come again, she should walk from the place from where she had mounted.

(1002) Mālik reported that it reached him from Sa‘īd b. al-Musayyab and Abū Salamah b. ‘Abd al-Raḥmān that they gave the same verdict as did ‘Abd Allah b. ‘Umar.

(1003) Yaḥyā b. Sa‘īd said : I had vowed to walk on foot (up to the House of Allah), but I got pain in my navel. I mounted and rode up to Mecca and asked ‘Aṭā’ b. Abī Rabāḥ and others. They said : The sacrifice of an animal has become obligatory for you. When I returned to Medina, I asked the people there and they said that I should walk on foot again from the place I had mounted and I walked accordingly.

On Walking on Foot towards the Ka‘bah

Mālik said : If a man or a woman vows to walk on foot to the Ka‘bah and the vow is broken and it becomes obligatory to walk on foot to the Ka‘bah, he or she should walk on foot till such time as he or she has performed *sa‘i* during *‘Umrah* ; in *Ḥajj*, he or she is to walk on foot until he or she finishes the *Ṭawāf al-Ziyārah.*

Chapter 288

ON THE *NADHRS* THAT AMOUNT TO DISOBEDIENCE OF ALLAH

(1004) Ḥumaid b. Qais and Thaur b. Zaid reported that the Apostle of Allah (may peace be upon him) saw a man standing in the sun and asked the reason therefor. The people said that he had vowed that he would not talk with anybody, nor take shelter, nor sit but fast.

The Apostle of Allah (may peace be upon him) said : Order him to speak, to go under the shade, to sit and complete his fast.

(1005) Qāsim b. Muḥammad reported : A woman came to 'Abd Allah b. 'Abbās and said : I vowed that I would offer my son in sacrifice. Ibn 'Abbās said : Do not sacrifice the son and pay the penalty of thy oath.[244] An old man asked Ibn 'Abbās what the penalty would be in the case.[245] Ibn 'Abbās said : *Ẓihār* too is a sin and the Lord has fixed no penalty in such cases.

Chapter 289

ON ABSURD OATHS

(1006) 'Ā'ishah, Mother of the Believers, used to say that an absurd oath is that which a person takes in cases of conversations as "Yes, by God," "No, by God."

Chapter 290

OATHS ON WHICH THERE IS NO PENALTY

(1007) 'Abd Allah b. 'Umar said : A man who swore by Allah, and then said : *Inshā' Allah*, and still did nothing that he swore about, his oath will remain unbroken.

Chapter 291

OATHS ON WHICH THERE IS PENALTY

(1008) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said : If a man swears about anything and then the reverse of it seems better, he should pay the penalty and do what appears better.

244. Either to feed ten needy persons, or to free a slave ; if this be not possible, to keep three fasts.

245. This vow is a sin and no penalty is obligatory.

Chapter 292

ABOUT THE PENALTY OF OATHS

(1009) 'Abd Allah b. 'Umar used to say that if a man should swear and repeat the oath and then breaks it, it becomes obligatory for him to free a slave or clothe ten poor persons. If he says it once only, he should feed ten destitute persons and give to each person one measure of wheat ; if he does not have the power to do so, he should fast for three days.

(1010) Sulaimān b. Yasār said that when men paid the penalty of their oaths, they used to give each poor and destitute person one small measure of wheat and thought it sufficient.

(1011) When 'Abd Allah b. 'Umar used to pay the penalty of his oath, he fed ten destitute persons and gave each of them one measure of wheat, and when he repeated an oath several times he freed as many slaves.

Chapter 293

MISCELLANEOUS *AḤĀDĪTH* ABOUT OATHS

(1012) 'Abd Allah b. 'Umar reported: The Apostle of Allah (may peace be upon him) met 'Umar b. al-Khaṭṭāb who was going riding amongst the riders and was swearing by his father. The Apostle of Allah (may peace be upon him) said : Allah prohibits you from swearing by your fathers. If you do want to swear, swear by Allah or keep silence.

(1013) It reached Mālik that the Apostle of Allah (may peace be upon him) used to swear: By the Turner of the Hearts.

(1014) Ibn Shihāb reported that when Allah accepted the repentance of Abū Lubābah b. 'Abd al-Mundhir he asked: Apostle of Allah, shall I leave the home of my tribe wherein I sinned, and remain near you and offer *ṣadaqah* from my property for Allah and His Messenger? The Apostle of Allah (may peace be upon him) said: It is sufficient if

you offer gift of one-third of your property.[246]

(1015) 'Ā'ishah, Mother of the Believers, was referred to in a matter where a person said that his property was endowed for the gate of the Ka'bah. She said that the penalty of an oath would become incumbent.[247]

246. Abū Lubābah, instead of carrying out the orders in respect of his tribe Banī Quraiẓah, succumbed to their entreaties and informed them of the order passed. He then felt ashamed of this dishonesty, and, as an act of repentance, kept himself bound to the pillar of a mosque. His wife would untie him only to attend the calls of nature, until Allah the Almighty forgave him. He vowed that he would give away his property in *ṣadaqah*, but the Holy Prophet (may peace be upon him) told him that one-third of his property in *ṣadaqah* was sufficient.

247. Mālik said : If anyone says that his property is for the cause of Allah, he should give away one-third of it in *ṣadaqah*, because the Holy Prophet (may peace be upon him) had ordered Abī Lubābah to do so.

IX. KITĀB AL-DHABA'IH

Chapter 294

TO UTTER *BISMILLĀH* WHILE SLAUGHTERING ANIMALS

(1016) 'Urwah b. Zubair reported that the Apostle of Allah (may peace be upon him) was asked: Prophet of Allah, some bedouins came to us with meat but we are not aware whether or not they said *Bismillāh* at the time of slaughter. He said: You say *Bismillāh* over it and eat it.

(1017) Yaḥyā b. Sa'īd reported that 'Abd Allah b. 'Ayyāsh b. Abī Rabī'ah al-Makhzūmī ordered his slave to slaughter an animal. When he was about to do that, 'Abd Allah asked him to say *Bismillāh.* The slave said that he had said it. 'Abd Allah again said: Say *Bismillāh*—evil be to you! The slave said : I have said it. 'Abd Allah said: By the Lord, I will never eat this meat.

Chapter 295

OBLIGATORY SLAUGHTERING

(1018) 'Aṭā' b. Yasār reported : An Anṣārī of the tribe of Ḥārithah was grazing his camel at Uḥud. All of a sudden it appeared to die and he slaughtered it with a sharp-edged stick. He then asked the Apostle of Allah (may peace be upon him) who said: There is no harm; eat it.

(1019) Mu'ādh b. Sa'd or Sa'd b. Mu'ādh reported: A slave-girl of Ka'b b. Mālik was pasturing her sheep at Sil'.[248] A sheep began to die and she slaughtered it with a stone. The Apostle of Allah (may peace be upon him) was then asked, and he said: There is no harm; eat it. [249]

248. A mountain near Medina.

249. When it becomes necessary. slughtering with a sharp-edged stone or wood is correct. Slaughtering by a woman is also in order.

(1020) 'Abd Allah b. 'Abbās was asked whether the animal slaughtered by an Arab Christian was valid. He said: There is no harm, and then recited this verse: "Whoever befriends Unbelievers is one of them".[250]

(1021) It reached Mālik that 'Abd Allah b. 'Abbās used to say: Eat that, when anything should cut the veins.

(1022) Sa'īd b. al-Musayyab used to say: There is no harm in eating at a time of stress that which when being slaughtered by a thing is cut off.

Chapter 296

ABOUT THE SLAUGHTER EATING OF WHICH IS *MAKRŪH*

(1023) Abū Murrah, freedman of 'Aqīl b. Abī Ṭālib, reported to Abū Hurairah that when a sheep was being slaughtered it moved (only) a little. Abū Hurairah ordered it to be eaten. Abū Murrah then asked Zaid b. Thābit, who said: Even a corpse moves, and prohibited to eat it.

Chapter 297

SLAUGHTER OF THE YOUNG ONE OF THE SLAUGHTERED ANIMAL

(1024) 'Abd Allah b. 'Umar said: When a she-camel is sacrificed, the young one in its womb should also be slaughtered provided all its limbs have been formed and hair have come out. If the young one should come out alive, its slaughter is essential so that blood may go out of its stomach.

(1025) Sa'īd b. al-Musayyab used to say that the slaughter of a young one in the womb would be completed by the slaughter of its mother, when it is completely formed and the hair have come out.

250. Ibn 'Abbās recited this verse in such a way as to indicate that, though it is right to eat meat of an animal slaughtered by an unbeliever, it is not right to make friends with them or to socialise with them.

X KITAB AL-SAID

Chapter 298

PROHIBITION OF EATING THE ANIMAL WHICH HAS BEEN KILLED WITH A STONE OR WOODEN STICK

(1026) Nāfi‘ reported: I killed two birds with a stone at Juruf; one died and was thrown away by ‘Abd Allah b. ‘Umar. ‘Abd Allah ran to slaughter the other with a chopper, but it died before slaughter. ‘Abd Allah threw it off too.

(1027) Qāsim b. Muḥammad considered repugnant the eating of an animal which had been killed by a stick or by shots.

(1028) Sa‘īd b. al-Musayyab considered it repugnant to kill a tame animal in the manner as we kill in hunting by arrows or something of the sort.[251]

Chapter 299

ABOUT HUNTING BY TAMED ANIMALS

(1029) ‘Abd Allah b. ‘Umar used to say that the prey caught by a trained dog is valid (for eating), whether the prey is killed or is alive.

(1030) Nāfi‘ reported that ‘Abd Allah b. ‘Umar said that even if part of the prey is eaten (by that dog), it is valid.[252]

(1031) Sa‘d b. Abī Waqqāṣ was asked about the prey partly eaten off by a trained dog after hunting and said: Eat whatever is left, even if it be only one bit of meat.

251. Mālik says: If a tame animal is killed with an arrow, its eating is prohibited. In the opinion of Mālik and Abū Ḥanīfah, if a tame animal turns wild, it is right to kill it like a hunt and eat it.

252. It is reported by ‘Adī b. Ḥātim that the Apostle of Allah (may peace be upon him) said: In case the dog eats out of it, do not eat it.

Chapter 300

HUNTING OF ANIMALS OF WATER

(1032) 'Abd al-Raḥmān b. Abū Hurairah asked 'Abd Allah b. 'Umar regarding the animal that is cast out by the sea. 'Abd Allah prohibited the eating of it. 'Abd Allah then went back and sent for the Qur'ān and read the verse: "Valid is for you the prey of the sea and the food of the sea".[253] Nāfi' reported that 'Abd Allah b. 'Umar sent me to 'Abd al-Raḥmān b. Abū Hurairah to tell him that there was no harm in the eating of such animals.

(1033) Sa'īd al-Jārī, freedman of 'Umar b. al-Khaṭṭāb, reported: I asked 'Abd Allah b. 'Umar about the eating of fishes killed by other fishes or that die from cold. He said that there was no harm in eating them. I then asked 'Abd Allah b. 'Amr b. al-'Āṣ and he too said the same thing.

(1034) Abū Hurairah and Zaid b. Thābit said that they knew no harm in eating animals cast out by the sea.

(1035) Abū Salamah b. 'Abd al-Raḥmān reported : Some people, dwellers of Jār,[254] came to Marwān b. al-Ḥakam and asked him about animals cast out by the sea. Marwān said that there was no harm in eating them. He then asked them to go and enquire also of Zaid b. Thābit and Abū Hurairah and report to him what they said. They asked them both and both said that there was no harm in it. They came and reported to Marwān who said : I had already told you even so.

Chapter 301

EVERY ANIMAL WITH GUMS BEING *ḤARĀM*

(1036) Abū Tha'labah al-Khushnī reported : The Apostle of Allah (may peace be upon him) declared : The eating of wild animals with gums is prohibited.

(1037) Abū Hurairah reported that the Apostle of Allah (may peace

253. Food of the sea means the animal which dies and the sea casts it out.
254. A seaside place near Medina.

be upon him) said : The eating of every animal with gums is prohibited.

About Animals Eating of Which is Repugnant

Mālik said : Do not eat horses, mules and asses as Allah says : "We created horses, mules, and asses for riding and show," and says about other quadrupeds : "We created them so that you may ride them and eat them," and says Allah : "That you recite the name of Allah over them (at the time of slaughtering them) and eat them and feed the indigent and the beggar." Mālik said : So Allah said about horses, mules and asses that they are for riding and the other quadrupeds both for riding and eating.

Chapter 302

ABOUT THE HIDES OF DEAD ANIMALS

(1038) 'Abd Allah b. 'Abbās reported : The Apostle of Allah (may peace be upon him) passed by a dead sheep that had been given away by him to a slave of Maimūnah, wife of the Prophet (may peace be upon him). He asked why the skin had not been made use of. They said : Apostle of Allah, it is dead. The Apostle (may peace be upon him) said : The eating of the dead is prohibited (not utilising its skin).

(1039) 'Abd Allah b. 'Abbās reported : The Apostle of Allah (may peace be upon him) declared that the hides and skins that have been tanned become clean.

(1040) Ḥaḍrat 'Ā'ishah, wife of the Prophet (may peace be upon him), reported : The Apostle of Allah (may peace be upon him) advised us to derive benefit out of the tanned hides of dead animals.

Of A Person Under Stress to Eat the Carcase

When a person fears death by starvation and he is unable to find lawful food, he may eat the carcase to his fill and keep some of it with him. But if he finds lawful food, he is to throw away the portion he has kept.

Mālik was asked if it was better to eat fruit from someone's orchard, or anything from someone's field or slaughter and eat a goat of someone than eating the carcase. Mālik said : If the owner of the orchard or field or goat believes in his being under stress of hunger and does not have his hand amputated for theft, it is

better. If the man under stress fears that the owner will consider him to be a thief and have his hand cut off, it is better for him to eat of the carcase. If eating away of others' property is always better than eating the carcase, the evil persons will eat others' property on the excuse of stress.

XI. KITAB AL-'AQIQAH

Chapter 303

ABOUT '*AQIQAH*

(1041) A person from Banī Ḍamurah reported that he heard his father saying that the Apostle of Allah (may peace be upon him) was asked about '*aqīqah*. He replied: I have no liking for '*aqūq*.[255] He disliked the name and said: When a child is born to anyone, and he desires to offer a sacrifice on its behalf, he may.

(1042) Muḥammad b. 'Alī al-Bāqir reported that Fāṭimah (Allah be pleased with her), daughter of the Prophet (may peace be upon him), weighed the hair of Ḥasan, Ḥusain, Zainab and Umm Kulthūm in silver and gave it away in charity.

(1043) Muḥammad b. 'Alī b. Ḥusain reported that Fāṭimah, daughter of the Apostle of Allah (may peace be upon him), weighed in silver the hair of Ḥasan and Ḥusain and gave it away in charity.

Chapter 304

ON THE PROCEDURE OF '*AQĪQAH*

(1044) Nāfi' reported that whenever any of the household of 'Abd Allah b. 'Umar suggested '*aqīqah*, he sacrificed a sheep on behalf of his children, whether male or female.

(1045) Muḥammad b. Ibrāhīm b. Ḥārith al Taimī reported that his father thought '*aqīqah* to be good even if only a sparrow were offered.[256]

(1046) Mālik reported that the '*aqīqah* of Ḥasan and Ḥusain b. 'Alī b. Abī Ṭālib took place.

255. '*Aqūq* means disobedience of parents. Both '*aqiqah* and '*aqūq* come from the same root.
256. This is a figure of speech. Nothing less than a sheep is allowed.

(1047) Hishām b. 'Urwah reported that his father 'Urwah b. Zubair, used to sacrifice a sheep for his children whether male or female in *'aqīqah*.[257]

257. Tirmidhī reported from authentic narrators that Ḥaḍrat 'Ā'ishah said : The Apostle of Allah (may peace be upon him) commanded that two goats should be sacrificed in *'aqiqah* of a son and one in that of a daughter.

Imām Mālik said that he considered it a command to offer one goat whether it is for a son or for a daughter. He does not consider *'aqiqah* as obligatory.

The goat for *'aqiqah* should be healthy, not lean, sick or defective, just as for the *Ḥajj* sacrifice. Those offering *'aqiqah* should eat the meat of the animal and offer it to the poor. It is not right to sell this meat or the skin of the animal.

XII. KITAB AL-DAHAYA'

Chapter 305

ANIMALS THE SACRIFICE OF WHICH IS PROHIBITED

(1048) Barā' b. 'Āzib reported that the Apostle of Allah (may peace be upon him) was asked as to what animals should not be sacrificed. He counted four on his fingers. Barā' b. 'Āzib also used to count on his fingers and would say that his hand was smaller than the hand of the Apostle of Allah (may peace be upon him). These were a lame animal that cannot walk, a one-eyed whose defect is easily seen, a diseased one whose illness is apparent and a too lean one which has no substance.

(1049) Nāfi' reported that 'Abd Allah b. 'Umar used to avoid sacrificial animals which were not *misnah*[258] or which did not have one of the limbs.

Chapter 306

SACRIFICE IS PROHIBITED UNTIL THE *IMĀM* COMPLETES 'ĪD PRAYER

(1050) Bushair b. Yasār reported that Abū Burdah b. Niyār offered his sacrifice prior to the sacrifice of the Apostle of Allah (may peace be upon him) on the Day of Sacrifice and the Apostle of Allah (may peace be upon him) ordered another sacrifice. He said : I have nothing with me now except a sheep (a year old). The Apostle of Allah (may peace be upon him) asked him to sacrifice the same.

(1051) 'Abbās b. Tamīm reported that 'Uwaimir b. Ashqar offer-

258. *Misnah* is a sheep of one year, or a cow of three years, or a camel of six years. Younger animals are not fit for sacrifice.

ed his sacrifice on the 10th before the rising of the sun. When we reported the fact to the Apostle of Allah (may peace be upon him), he ordered another sacrifice.

Chapter 307

THE ANIMAL WHOSE SACRIFICE IS *MUSTAḤABB*

(1052) Nāfi' reported that 'Abd Allah b. 'Umar offered a sacrifice once in Medina and he ordered me to buy a horned goat and slaughter it on the Day of Sacrifice at the place of prayer. I did so. The goat was then sent to 'Abd Allah b. 'Umar. He shaved his head. He was ill at the time and had not even attended the 'Īd prayer with the Muslims. 'Abd Allah b. 'Umar used to say that the shaving of the head was not obligatory but that he had shaved it casually.

Chapter 308

TO KEEP SACRIFICIAL MEAT

(1053) Jābir b. 'Abd Allah Salamī reported that (in the beginning) the Apostle of Allah (may peace be upon him) had prohibited keeping the meat of sacrifice for more than three days, but, later, said: Eat and give it in charity, store it and preserve it.

(1054) 'Abd Allah b. Wāqid reported that the Apostle of Allah (may peace be upon him) prohibited keeping sacrificial meat after three days. 'Abd Allah b. Abū Bakr said that he reported this to 'Amrah, daughter of 'Abd al-Raḥmān. She said: He spoke the truth. I heard from 'Ā'ishah, wife of the Prophet (may peace be upon him), that some men of the desert came during 'Īd al-Aḍḥā. The Apostle of Allah (may peace be upon him) said: Keep meat for three days and give away the rest in the name of the Lord. The people then submitted to him: Apostle of Allah, previously, people used to profit from their sacrifices, keep their fat, make water-skins out of the hides. The Apostle of Allah (may peace be upon him) asked: What do you mean? They said: You have now prohibited the keeping of the sacrificial meat for more than three days. He replied: I did it in view of the fact

that a few of the destitute had arrived from the desert. You may, however, eat, and offer in charity and store and preserve it.

(1055) Abū Sa'īd al-Khudrī returned from his journey and his people placed meat before him. He asked whether it was the meat of sacrifice. They said: It is. Abū Sa'īd said: Did not the Apostle of Allah (may peace be upon him) prohibit it? The people said: The Apostle of Allah (may peace be upon him) had later given another order in your absence. Abū Sa'īd went out of the house to inquire when he learnt that the Apostle of Allah (may peace be upon him) had said: I had prohibited you from eating the meat of sacrifice after three days; however, you may now eat, and give it in charity and keep and preserve it. I had prohibited you from making *nabīdh* in certain vessels, but now prepare it in whatever vessels you like, but intoxicating things are forbidden. I had forbidden you from visiting tombs, but you may now visit them, but do not let your mouths speak evil words.

Chapter 309

SHARING IN SACRIFICIAL ANIMALS

(1056) Jābir b. 'Abd Allah reported that in the year of Ḥudaibīyyah, we sacrificed in the company of the Apostle of Allah (may peace be upon him) a camel on behalf of seven persons, and sacrificed a cow on behalf of seven persons.

(1057) 'Umārah b. Ṣayyād reported that 'Aṭā' b. Yasār informed him on hearing from Abū Ayyūb Anṣārī who said: We used to sacrifice a sheep on our own behalf and on behalf of the whole household; later on, as a matter of pride each man began to sacrifice a sheep.[259]

(1058) Ibn Shihāb reported that the Apostle of Allah (may peace be upon him) never sacrificed on his own behalf or on behalf of *Ahl-i-Bait* (of his household) more than one camel or one cow.

259. Mālik and Shāfi'ī and Aḥmad and Isḥāq are of opinion that a sheep is sufficient on behalf of the whole household, but Abū Ḥanīfah considers it insufficient.

Chapter 310

NOT TO OFFER SACRIFICE ON BEHALF OF THE UNBORN CHILD

(1059) Nāfi' reported that 'Abd Allah b. 'Umar said that sacrifice is admissible for two days after the Day of Sacrifice.

(1060) 'Alī b. Abī Ṭālib also spoke to the same effect.

(1061) Nāfi' reported that 'Abd Allah b. 'Umar did not offer sacrifice on behalf of a child in the womb.

XIII. KITAB AL-NIKAḤ

Chapter 311

ON THE PROPOSAL OF MARRIAGE

(1062) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said : None of you should send a marriage proposal on the head of a brother Muslim.

(1063) ‘Abd Allah b. ‘Umar reported that the Apostle of Allah (may peace be upon him) said : Do not send, any of you, a marriage proposal on the head of a brother Muslim.[260]

(1064) Qāsim b. Muḥammad used to say in explanation of the verse وَلَاجُنَاحَ عَلَيْكُمْ فِيْمَا عَرَّضْتُمْ : "It is no sin on your part if you send a proposal to a woman (*ta‘rīḍ*)" in her period of probation (*‘iddah*) [ii. 234]. By *ta‘rīḍ* is meant a man sending word to a woman : I have a liking for you, or I have an inclination for you, or Allah is the Bestower of betterment and sustenance, or some such statement.[261]

Chapter 312

ON HAVING PERMISSION (FOR MARRIAGE) FROM A VIRGIN OR A WOMAN PREVIOUSLY MARRIED

(1065) ‘Abd Allah b. ‘Abbās reported : The Apostle of Allah (may peace be upon him) said that a *thayyibah* woman (one who had had conjugal relations with a man) is more a mistress of herself than her guardian and consent should be taken from a virgin and her silence is her consent.

(1066) Sa‘īd b. al-Musayyab reported that ‘Umar b. al-Khaṭṭāb said : A woman shall not be married without the permission of her

260. When a marriage proposal has been made to a woman and has been accepted, none else should make a marriage proposal to her.

261. During the *iddah*, a marriage proposal should be hinted in such a manner as the above. It should not be a direct proposal for marriage, which is allowed after *'iddah*.

guardian or the permission of a man in the household who is sagacious or by the permission a ruler.[262]

(1067) Qāsim b. Muḥammad and Sālim b. 'Abd Allah used to marry their virgin daughters without seeking their consent.

(1068) Qāsim b. Muḥammad and Sālim b. 'Abd Allah and Sulaimān b. Yasār used to say that if the father of a virgin should marry her without her consent, the marriage becomes valid.

Chapter 313

REGARDING *MAHR* AND *ḤIBĀ'*

(1069) Sahl b. Sa'd Sā'idī reported: A woman came to the Apostle of Allah (may peace be upon him) and said: Apostle of Allah, verily, I give away myself to thee, and stood waiting for a long time. A man then stood up and said: Apostle of Allah, marry this woman to me, if you have no need of her. The Apostle of Allah (may peace be upon him) said: Have you anything to give as *mahr*? The man said that except for his loin-cloth he had nothing. The Apostle of Allah (may peace be upon him) said: You will be without a loin-cloth if you give it away to her; seek for something else. He said that he could find nothing. The Apostle of Allah (may peace be upon him) asked him to find out something still, even if it be an iron finger-ring. He said he could get at nothing. Then the Apostle of Allah (may peace be upon him) asked him: Do you remember something from the Qur'ān? He said: Yes, I know such and such *sūrahs*, and named some *sūrahs*. The Apostle of Allah (may peace be upon him) said: I marry thee to this woman in exchange of the Qur'ān that you remember.

(1070) Sa'īd b. al-Musayyab related that 'Umar b. al-Khaṭṭāb said: If a man marries a woman and she is suffering from insanity or leprosy or bencodermy and the husband cohabits without knowing about her condition, he should pay her the full *mahr* and take penalty

262. Ḥaḍrat 'Umar is obviously referring to a virgin, for a *thayyibah* is competent to marry herself.

compensation from the *walī* (guardian).[263]

(1071) Nāfi‘ reported that the daughter of ‘Ubaid Allah b. ‘Umar, whose mother was the daughter of Zaid b. Khaṭṭāb, was married to the son of ‘Abd Allah b. ‘Umar. The husband died, but he had neither cohabited with her nor was the *mahr* defined. Her mother demanded the *mahr*. ‘Abd Allah b. ‘Umar said that she had no right to the *mahr*. If she had any right to it, it would not have been withheld (and thus) they would not have been unjust. The mother did not agree and left it to the arbitration of Zaid b. Thābit. Zaid decided that she would not get the *mahr*, but would get her share of inheritance.

(1072) Mālik reported that it reached him that ‘Umar b. ‘Abd al-‘Azīz wrote to an administrator of his during his caliphate : If the man who gives away a woman in marriage, be he the father or any other, he should lay down the condition of receiving a gift or present; that gift would be due to the wife, if she demands it.

Chapter 314

REGARDING MEETING OF HUSBAND AND WIFE IN PRIVACY

(1073) Sa‘īd b. al-Musayyab reported that ‘Umar b. al-Khaṭṭāb ordered that if a man married a woman and cohabitation takes place, the payment of *mahr* becomes obligatory.

(1074) Sa‘īd b. al-Musayyab used to say that if a man goes to the woman's house, the attestation that would be valid would be that of the man and if a woman goes to the man's house, the attestation would be that of the woman.[264]

263. Imām Mālik said : This is in case the guardian is the woman's father or brother or a very near relative, who knows the condition of the woman. Otherwise, the *mahr* will be taken back from the woman leaving only that part which will make valid the cohabitation (i.e. a quarter of a dīnār).

264. According to Mālik, it means that the husband resides in the house of the wife and there is difference of opinion : the wife saying he has cohabited with her and the husband denying to have cohabited. In such a case the statement of the husband would be considered true. And if the wife resides in the house of her husband, the woman's statement would be considered true, if there arises difference between them.

Chapter 315

ABOUT RESIDING WITH VIRGIN (WIFE) OR *THAYYIBAH*

(1075) Abū Bakr b. 'Abd al-Raḥmān reported that when the Apostle of Allah (may peace be upon him) married Umm Salamah, he said in the morning: I shall do nothing to debase thee in the eyes of thy family. If thou likest, I shall stay for seven days with thee, and then stay for seven days with each of my other consorts. And if thou likest, I shall stay with thee for three days and stay a day with each of the others. She said : (Stay with me) for three days.

(1076) Anas b. Mālik used to sav that a virgin is entitled to seven days and a non-virgin to three days.

Chapter 316

CONDITIONS OF MARRIAGE WHICH ARE NOT VALID

(1077) Mālik reported that it reached him that Sa'īd b. al-Musayyab was asked about a woman who, at the time of her marriage, lays down the condition that she should not be taken away from her native town. Sa'īd b. al-Musayyab replied that, despite such a condition, he could take her away if he liked.[265]

Chapter 317

ON *ḤALĀLAH NIKĀḤ* AND ITS LIKE

(1078) Zubair b. 'Abd al-Raḥmān reported that Rifā'ah b. Simwāl (Qaraẓī) gave three divorces to his wife Tamīmah, daughter of Wahb, in the time of the Apostle of Allah (may peace be upon him). She then married 'Abd al-Raḥmān b. Zubair, but 'Abd al-Raḥmān did not have the potency and could not cohabit with her. 'Abd al-Raḥmān, therefore, left her. Rifā'ah, her first husband who had

265. Mālik said that if a man at the time of marriage with a woman accepts the condition that he will not marry a second wife or will not keep a slave-girl, then it is not necessary to fulfil this condition. But if he has attached divorce as a condition of the second marriage, it will become obligatory to be fulfilled.

divorced her, wanted to marry her again. When the Apostle of Allah (may peace be upon him) was referred to, he prohibited the marriage and told (Rifā‘ah) that that woman was not valid for him until she should have (married and) cohabited with another man.

(1079) ‘Ā’ishah, wife of the Prophet (may peace be upon him), was told about a man who gave his wife the triple divorce and the woman married another man and was divorced by him before cohabiting with her. Could the first husband, she was asked, marry her again ? ‘Ā’ishah said : He could not (marry her) until the second husband cohabited with her.

(1080) Qāsim b. Muḥammad was asked if a man gave his wife the triple divorce and she married another man who died before cohabitation, could it be valid for the first husband now to marry her ? Qāsim b. Muḥammad said: It would not be valid for her first husband to take her back.

Chapter 318

ON WOMEN WHO ARE INELIGIBLE FOR MARRIAGE TO ONE MAN

(1081) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said : The aunt (father's sister) and niece (brother's daughter), as well as the aunt (mother's sister) and niece (sister's daughter) could not be taken into marriage together.[266]

(1082) Sa‘īd b. al-Musayyab said : It is forbidden to marry the niece (brother's daughter) when her aunt (father's sister) is already wedded to him and to marry the niece (sister's daughter) when her aunt (mother's sister) is already held in marriage. It is forbidden to cohabit with a slave-girl who is pregnant by another.

Chapter 319

OF THE NON-VALIDITY OF MARRIAGE WITH MOTHER-IN-LAW

(1083) Yaḥyā b. Sa‘īd reported that Zaid b. Thābit was put a

266. If one is married to the aunt, marriage with the niece is not valid and *vice versa*.

question in this wise. A man married a woman and left her before cohabitation. Could he marry her mother? Zaid b. Thābit said: No, for the Lord hath said: "Your wives' mothers are not valid for you," and no condition has been laid about cohabitation, except in respect of *rabā'ib*.[267]

(1084) 'Abd Allah b. Mas'ūd was asked regarding a man who married a woman in Kūfah but left her before cohabitation and who now desired to know whether he could marry her mother. Ibn Mas'ūd said, it was allowed. Ibn Mas'ūd then came to Medina and made enquiries and was informed that it was not as he thought: The mother of your wife whether or not you cohabit with her is strictly invalid. The condition of cohabitation is in respect of only *rabībah* (the daughter of one's wife from her previous husband). When Ibn Mas'ūd returned to Kūfah the first thing he did was to go to that man's house and tell him to leave the woman.

Marriage with the Mother of a Woman With Whom One has Fornicated

Mālik said: If a man commits fornication with a woman and he is sentenced under law, he can marry the woman.

Mālik said: If a man married a woman during the period of her *'iddah* and cohabited with her, she will be invalid for marriage to his son. The son born to this woman will be attributed to him and it will become invalid for that man to marry the daughter of that woman.

Chapter 320

ON A MARRIAGE WHICH IS NOT VALID

(1085) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) forbade from *shighār*. *Shighār* means that a man marries his daughter to a person on condition that he will in lieu marry his daughter to the former, as a *mahr*.

(1086) Khansā', daughter of Khidām, was given in marriage by her father. She was non-virgin and unwilling to this marriage. She went to the Apostle of Allah (may peace be upon him) and he annulled her

267. *Rabā'ib* is plural of *rabibah*. *Rabibah* is the girl from her first husband and brought down with her and the Lord has declared them invalid for you.

marriage.

(1087) Abī Zubair al-Makkī reported : There came before 'Umar b. al-Khaṭṭāb the case of a marriage in which there was no witness except a man and a woman. He said: I do not consider such a secret marriage as valid. Had I made this clear before, I would have now ordered stoning.[268]

(1088) Sa'īd b. al-Musayyab and Sulaimān b. Yasār reported that Ṭulaiḥah al-Asadiyyah was married to Rushaid Thaqafī. He divorced her and she married another man within the *'iddah* period. 'Umar b. al-Khaṭṭāb had both of them flogged and separated them. 'Umar b. al-Khaṭṭāb then shid : If a woman should marry another man within the period of *'iddah* and if cohabitation has not taken place, the marriage should be dissolved and the period of *'iddah* in respect of the first husband should be completed. She is then free to marry whomsoever she liked but she could never marry the second husband throughout her life.[269] Sa'īd b. al-Musayyab added that the woman could take the *mahr* from her second husband.

Chapter 321

ABOUT MARRYING A SLAVE-GIRL IN THE PRESENCE OF A FREE WOMAN

(1089) 'Abd Allah b. 'Abbās and 'Abd Allah b. 'Umar were asked whether a man who holds in marriage a free woman could marry a slave-girl. Both of them considered it to be repugnant.

(1090) Sa'īd b. al-Musayyab said that while having a free woman as wife, a slave-girl should not be taken into marriage, but if the free woman consents, the man should spend two days with her and one

268. Aḥmad. Ṭibrānī and Baihaqī have reported, on reliable authorities, the Apostle of Allah (may peace be upon him) saying that a *nikāḥ* cannot take place without a *walī* and two just witnesses.

269. This is the opinion of Ḥaḍrat 'Umar. Some scholars think that such a woman could solemnise her marriage with the second husband after she completes her *'iddah* period. Mālik said: A free woman, whose husband dies, should wait four months and ten days of *'iddah* and if pregnancy is apprehended, she should not marry a man until the apprehension is removed or she delivers the child.

with the slave-girl.[270]

Chapter 322

ABOUT PURCHASING OF A SLAVE-GIRL AFTER GIVING HER THREE *ṬALĀQS*

(1091) Zaid b. Thābit said that the man who gives a slave-girl the triple divorce and purchases her over again cannot cohabit with her until she marries another man.

(1092) Sa'īd b. al-Musayyab and Sulaimān b. Yasār were told : A man married his slave to his slave-girl. The slave pronounced two divorces against her. He (the master) then made a gift of the slave-girl in favour of the slave. Is the slave-girl now valid, they were asked, for the slave ? Both of them said : No, not until she marries another (and is divorced by him).

Chapter 323

ABOUT THE KEEPING OF TWO SISTERS OR MOTHER AND DAUGHTER AS WIVES BY REASON OF OWNERSHIP

(1093) 'Ubaid Allah b. 'Abd Allah b. 'Utbah b. Mas'ūd learnt from his father that he asked 'Umar b. al-Khaṭṭāb whether cohabiting with mother and daughter one after another by reason of ownership was valid. He replied : In my opinion, it is bad, and forbade it.

(1094) Qabīṣah b. Dhuwaib reported that a man asked 'Uthmān b. 'Affān whether it was valid to keep two sisters by way of ownership. He said that it was valid on the strength of a (Qur'ānic) verse[271] and is improper on the strength of another verse,[272] but I do not like this. The man then left him and met another Companion of the Apostle of Allah (may peace be upon him) and asked him the same

270. Mālik said that when a free man has means to marry a free woman, he should not marry a slave-girl. Even if he has no means to marry a free woman, he should not marry a slave-girl. In case he is not sure of himself and is afraid he might commit adultery he can marry a Muslim slave-girl.

271. The verse is : إِلَّا عَلَىٰٓ أَزْوَٰجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَٰنُهُمْ 272. Viz. : وَأَن تَجْمَعُوا۟ بَيْنَ ٱلْأُخْتَيْنِ

question. He replied : If I were the ruler and saw anybody doing it, I would have him severely punished. Ibn Shihāb said that he thought that the Companion was 'Alī b. 'Abū Ṭālib.

(1095) Mālik learnt that Zubair b. 'Awwām reported to the same effect.[273]

Chapter 324

THE SON SHOULD NOT COHABIT WITH THE SLAVE-GIRL WHO HAS BEEN INTIMATE WITH HIS FATHER

(1096) Mālik learnt that 'Umar b. al-Khaṭṭāb gave the gift of a slave-girl to his son and said : Do not cohabit with her, for I one day stripped her.

(1097) 'Abd al-Raḥmān b. Mujabbir reported that Sālim b. 'Abd Allah gifted a slave-girl to his son and asked him not to cohabit with her, for he had intended to do so but abstained.

(1098) Yaḥyā b. Sa'īd related that Abū Nahshal b. Aswad told Qāsim b. Muḥammad : I saw my slave-girl naked in the moonlight and then I lifted up her legs in order to cohabit. She said : I am menstruating and I stood up. Shall I now give her as a gift to my son so that he may cohabit with her? Qāsim b. Muḥammad forbade him from doing so.

(1099) 'Abd al-Malik b. Marwān gave a slave-girl as a gift to a friend of his and then enquired of him about her. He said that he intended to give her away as a gift to his son so that he may cohabit with her. 'Abd al-Malik said : Marwān was more pious than you. He gave as a gift a slave-girl to his son and told him : Do not cohabit with her for I saw her naked shins.

Prohibition to Marry Slave-girls of the People of the Book

Mālik said : It is not right to marry Jew and Christian slave-girls. The permission granted by Allah to marry women of the People of the Book relates to free

273. Mālik said : If anyone has a slave-girl and cohabits with her and if he desires to cohabit with her sister, he cannot, unless he first divorces the first or marries her to his slave.

women, Allah has ordained that whoever from amongst you does not have the wherewithal to marry a free Muslim woman may marry a Muslim slave-girl Allah has validated this, not with slave-girls of the People of the Book. However, it is right to cohabit with Jew or Christian slave-girls for her master, but not with a non-believing slave-girl.

Chapter 325

ABOUT *IḤṢĀN*

(1100) Sa'īd b. al-Musayyab said: By *muḥṣanāt* are meant women who have husbands. The meaning of it is that the Lord holds adultery to be forbidden.

(1101) Ibn Shihāb said that he learnt from Qāsim b. Muḥammad who used to say that when a free man married a slave-girl and cohabited with her, he became a married person.[274]

Chapter 326

ABOUT *MUT'AH*

(1102) 'Alī b. Abī Ṭālib reported: The Apostle of Allah (may peace be upon him) forbade *mut'ah* (temporary marriage) on the day of the Battle of Khaibar and also prohibited the eating of the flesh of asses.

(1103) 'Urwah b. Zubair reported: Khaulah daughter of Ḥākim went to 'Umar b. al-Khaṭṭāb and said: Rabī'ah b. Umayyah had contracted *mut'ah* (temporary marriage) with a *muwalladgh*[275] woman and she is pregnant by Rabī'ah. 'Umar issued out perplexed dragging his garment and said: This is temporary marriage. If I had forbidden it previously, I would have ordered stoning.

274. If such a person now commits fornication he will be stoned.

275. A *muwalladah* woman is one who is born in Arabia, but whose parents are not Arabs. It is unanimously held that one who contracts temporary marriage is not liable to the same punishment as a fornicator.

Chapter 327

ABOUT THE MARRIAGE OF A SLAVE

(1104) Mālik learnt that he heard Rabī'ah b. Abī 'Abd al-Raḥmān saying that a slave could marry four women.[276]

Chapter 328

ABOUT THE WIFE OF A POLYTHEIST EMBRACING ISLAM PRIOR TO HER HUSBAND

(1105) Ibn Shihāb reported that women in the time of the Apostle of Allah (may peace be upon him) used to embrace Islam, and would not go back to their native lands. Their husbands remained heathens. Among these women was ('Atīkah) the daughter of Walīḍ b. Mughīrah, who was wedded to Ṣafwān b. Umayyah. She embraced Islam on the Day of the Conquest (of Mecca) and her husband Ṣafwān b. Umayyah did not embrace Islam and fled away. The Apostle of Allah (may peace be upon him) sent his cousin, Wahb b. 'Umair, to Ṣafwān and gave his own sheet as a token and offered him protection and invited him to embrace Islam, and sent word : Come to me, if it should please you. You may become a Muslim or, otherwise, you shall have two months' respite. When Ṣafwān came to the Apostle of Allah (may peace be upon him) with his sheet, he cried out before the people : O Muḥammad, this Wahb b. 'Umair brought to me your sheet and told me that you had sent for me on condition that if I chose I may become a Muslim. otherwise I shall have two months' respite. The Apostle of Allah (may peace be upon him) said : Dismount, O Abū Wahb.[277] Ṣafwān said : By God, I shall not dismount[278] until you tell me that the messenger of Wahb b. 'Umair is correct. The Apostle of Allah (may peace be upon him) said : Not only that, I give you four months' time. The Apostle of Allah (may peace be upon him) then went towards the tribe of Hawāzin at Ḥunain and

276. Some Companions are of opinion that a slave can marry only two women.

277. Abū Wahb was the *kunyah* of Ṣafwān.

278. Ṣafwān did not dismount out of fear.

asked Ṣafwān to lend him some weapons and other articles. Ṣafwān asked whether he demanded them under coercion or he was to use his free will. He (the Apostle) said : Out of pleasure. Ṣafwān gave the weapons. When the Apostle of Allah (may peace be upon him) returned, Ṣafwān remained with him, still an infidel, in the Battle of Ḥunain and at Ṭā'if. His wife continued a believer, but the Apostle of Allah (may peace be upon him) did not separate the wife from the husband ; until, at last, Ṣafwān became Muslim and his wife continued to reside with him.

(1106) Ibn Shihāb said : The wife of Ṣafwān embraced Islam a month before her husband's conversion, and Ibn Shihāb added : It did not reach us that a woman should flee towards Allah and His Apostle (may peace be upon him) and her husband remained an infidel continuing in the non-Islamic state; her flight creates separation between her and her husband except in case her husband also migrates within the period of *'iddah*.

(1107) Ibn Shihāb reports that Umm Ḥakīm, daughter of Ḥārith b. Hishām and wife of 'Ikramah b. Abū Jahl, became a convert to Islam, on the Day of the Conquest (of Mecca) and her husband 'Ikramah fled to Yemen without adopting Islam. Umm Ḥakīm went to him and invited him to embrace Islam and he embraced the faith and presented himself to the Apostle of Allah (may peace be upon him) in the year of the Conquest. When the Apostle of Allah (may peace be upon him) saw him, he rose up in joy and took *bai'ah* from him. At the time there was no sheet on his (the Prophet's) body. The husband and wife continued in their wedlock.[279]

Chapter 329

ABOUT *WALĪMAH* (MARRIAGE FEAST)

(1108) Anas b. Mālik reported that 'Abd al-Raḥmān b. 'Auf came to the Apostle of Allah (may peace be upon him) and he had yellow stains on him. The Apostle of Allah (may peace be upon him)

279. Mālik said that if a husband embraces Islam before his wife and he invites the wife to Islam but she refuses, their marriage would become void.

asked him what that was. He said, he had married an Anṣārī woman. The Apostle of Allah (may peace be upon him) asked : How much have you paid as *mahr* to her ? He said : Gold equal to the date-seed. The Apostle of Allah (may peace be upon him) said : Perform *walīmah* even if it be of one sheep.

(1109) Yaḥyā b. Sa'īd reported : The Apostle of Allah (may peace be upon him) used to perform *walīmah* and there would be neither bread nor meat.[280]

(1110) 'Abd Allah b. 'Umar reported : The Apostle of Allah (may peace be upon him) declared : When any of you should be invited to the *walīmah* feast, he should attend it.

(1111) Ibn Shihāb reported al-A'raj to have said that Abū Hurairah narrated that *walīmah* was the worst of meals. To it the rich are invited and the poor are ignored, and he who did not attend the feast disobeyed the Lord and His Apostle (may peace be upon him).[281]

(1112) Anas b. Mālik reported : A tailor prepared some food and invited the Apostle of Allah (may peace be upon him). Anas said : I too went with the Apostle of Allah (may peace be upon him) to partake of the food. The tailor put before him barley bread and pumpkin curry. Anas said : I saw the Apostle (may peace be upon him) seeking out from the dish pieces of pumpkin and eating them. From that day pumpkin has become my favourite.

Chapter 330

MISCELLANEOUS *AḤĀDĪTH* ON MARRIAGE

(1113) Zaid b. Aslam reported : The Apostle of Allah (may peace be upon him) said : When any of you marries a woman or buys a slave-girl, he should hold her forehead and pray for bliss, and when you buy a camel, put your hand on its hump and seek refuge from

280. According to Nasā'ī, there were dates and *sattū*, but Bukhārī says there were dates and biscuits made of butter and cheese.

281. *Walimah* itself is not bad, but if only rich are invited and the poor are ignored, such a *walimah* is bad.

the evil of the cursed Satan.

(1114) Abū Zubair Makkī reported : A man sent marriage proposal to a man's sister. He stated that she was of a bad sort. When 'Umar b. al-Khaṭṭāb heard of it, he sent for him and struck him, or intended to strike him, and asked what his purpose was in sending such a report.[282]

(1115) Rabī'ah b. Abī 'Abd al-Raḥmān reported that Qāsim b. Muḥammad and 'Urwah b. Zubair used to say that if a man had four wives and he gave a triple divorce to one, he could take another wife and need not wait for the completion of the *'iddah*.

(1116) Rabī'ah b. Abī 'Abd al-Raḥmān reported that Qāsim b. Muḥammad and 'Urwah b. Zubair gave such a *fatwā* (decision) to Walīd b. 'Abd al-Malik in the year he visited Medina, but Qāsim b. Muḥammad added : Such a woman should have been divorced at several sittings.

(1117) Sa'īd b. al-Musayyab said that three things are not to be played with a as joke : marriage, divorce and the emancipation of a slave.

(1118) Rāfi' b. Khadīj married the daughter of Muḥammad b. Maslamah Anṣārī. She remained with him. When she grew old, Rāfi' married a young woman and inclined greatly towards her. The old woman demanded divorce. He gave her one divorce and, when the *'iddah* was near completion, took her back and remained inclined towards the younger woman. The older one again demanded divorce. He gave one more divorce, but when the *'iddah* was approaching its end, he took her back and remained inclined towards the younger one. The older woman again demanded divorce. Then he said : What do you wish ? Only one divorce is left. If you do not desire to remain in this state with me, I shall leave you. She said that she was willing to remain in that condition. Rāfi' kept her and in this he did not consider any sin on his part.

282. Being a brother and *wali* of the woman he should not have made this report about her.

XIV. KITAB AL-ṬALAQ

Chapter 331

ABOUT TRIPLE DIVORCE

(1119) It reached Mālik that a person told Ibn 'Abbās: I gave my wife a hundred divorces. What is your opinion about me? Ibn 'Abbās said: Three divorces made her absolutely *bā'in* to you, and by the remaining ninety-seven divorces you have made fun of the verses of Allah.

(1120) It reached Mālik that a person went to 'Abd Allah b. Mas'ūd and said: I have divorced my wife two hundred times. Ibn Mas'ūd asked: What did the people tell you? He said: They told me that my wife stands absolutely divorced. Ibn Mas'ūd said: It is true. The man who divorces as the Lord ordains, the Lord hath pointed out the ways, and for him who makes a mess, he will have to bear the evil consequences. Do not confuse things so that trouble may ensue. What they say is true; your wife has become cut off from you.

(1121) Abū Bakr b. Abī Ḥazm reported that 'Umar b. 'Abd al-'Azīz asked what people said about triple divorce at one time. Abū Bakr said: Abān b. 'Uthmān deemed it one divorce. 'Umar b. 'Abd al-'Azīz said: Had a thousand divorces been valid, *battah*[283] would not have retained any of them. He who pronounced *battah* reached the extreme.

(1122) Ibn Shihāb reported that Marwān b. Ḥakam ordered that *battah* carried three divorces.

283. *Battah* means "cutting of". If a man pronounces *battah* on his wife according to Ḥadrat 'Umar, it would amount to one divorce. Ḥadrat 'Alī considers it would be a triple divorce and so says Imām Mālik. Imām Shāfi'ī agrees with Ḥadrat 'Umar.

Chapter 332

ABOUT *KHALĪYYAH* AND *BARĪYYAH*[284] AND THEIR SIMILITUDES

(1123) It reached Mālik that 'Umar b. al-Khaṭṭāb received a letter from Iraq that a man told his wife : Thy rope is on thy hump. 'Umar b. al-Khaṭṭāb wrote back to his administrator ordering him to ask the man to meet him at Mecca in the season of *Ḥajj*. 'Umar was doing the *ṭawāf* of the House of Allah when a man approached and greeted him. 'Umar asked : Who are you? He said. I am the same who was ordered by you to meet you. 'Umar asked: By the Lord of this House, what did you mean by "Thy rope is on thy hump" ? He said : Commander of the Believers, if you had asked me elsewhere, I would not have spoken the truth. My intention was to leave her. 'Umar said : As you intended, so it happened.

(1124) It reached Mālik that 'Alī b. Abī Ṭālib used to say about the man who says to his wife "Thou art forbidden to me," the triple divorce becomes effective.

(1125) Nāfi' reported that 'Abd Allah b. 'Umar used to say that saying anything by *khalīyyah*[284] and *barīyyah* would each impose three divorces.

(1126) Qāsim b. Muḥammad reported : A slave-girl was wedded to a man. He told the owners of the slave-girl : You know and it is your concern. People thought it to be one divorce.

(1127) It reached Mālik that Ibn Shihāb used to say about the man who says to his wife : I am free of you and you are free of me, but it would mean three divorces like unto *battah*.

Chapter 333

ON *TAMLĪK* (RIGHT) WHICH RESULTS IN ABSOLUTE DIVORCE

(1128) It reached Mālik that a man came to 'Abd Allah b. 'Umar

284. *Khalīyyah* means empty and *barīyyah* means pure. These words and those like them do not make the divorce clear.

and said : O Abū 'Abd al-Raḥmān, I gave the right of divorce to my wife. She has divorced herself. What is your opinion now ? Ibn 'Umar replied : As she said, so is my opinion. The man then said : Oh, do not do so. Ibn 'Umar replied : Did I do it ? You did it yourself.

(1129) Nāfi' reported that 'Abd Allah b. 'Umar used to say : If a man should authorise his wife in the matter of divorce, she could declare herself divorced any time she liked ; but if the husband should object and say : I gave you option of only divorce, and swears to it, he would have the right over her until the period of *'iddah* probation.

Chapter 334

ON *TAMLĪK* WHICH RESULTS IN ONE DIVORCE

(1130) Khārijah b. Zaid b. Thābit reported that he was sitting with Zaid b. Thābit when Muḥammad b. Abī 'Atīq came and tears were flowing from his eyes. Zaid said : What is the matter with you? He said : I had given my wife the option of divorce and she has left me. Zaid asked : Why did you give her the authority ? He replied : It was my fate. Zaid said : If you wish, you can get her back, for only one divorce has become effective. You are still her master.

(1131) Qāsim b. Muḥammad reported : A man of Thaqīf gave his wife the option of divorce. She gave herself one divorce. He kept quiet. She then gave herself another divorce. He said : Stones be in your mouth. She then gave herself the third divorce. He said : Stones be in your mouth, and they went quarrelling to Marwān b. Ḥakam. Marwān took an oath from the man to the effect that he had given option only for one divorce and handed her back to him.

Chapter 335

ON *TAMLĪK* WHICH DOES NOT RESULT IN ABSOLUTE DIVORCE

(1132) 'Ā'ishah, Mother of the Believers, reported that she sent her brother 'Abd al-Raḥmān's proposal of marriage to Quraibah,

daughter of Abī Umayyah. Her people married her to 'Abd al-Raḥmān. Later on, they quarrelled. They said that 'Ā'ishah had set up this marriage. 'Ā'ishah spoke to 'Abd al-Raḥmān and he gave Quraibah the option. Quraibah took her husband and did not consider it a divorce.

(1133) Qāsim b. Muḥammad reported that 'Ā'ishah, wife of the Prophet (may peace be upon him), married Ḥafṣah, daughter of 'Abd al-Raḥmān, to Mundhir b. Zubair and 'Abd al-Raḥmān was away in Syria. When 'Abd al-Raḥmān returned, he said : Was this to be done to me alone and why this hurry against me? 'Ā'ishah stated the facts to Mundhir b. Zubair. Mundhir said : 'Abd al-Raḥmān has the authority. 'Abd al-Raḥmān said : What you have done, I will not undo. Ḥafṣah remained with Mundhir and the option was not interpreted as divorce.

(1134) It reached Mālik that 'Abd Allah b. 'Umar and Abū Hurairah were asked about a man who authorises his wife in the matter of divorce, but she does not accept such authority, nor does she impose any divorce on herself; what would ensue ? They said that there would be no divorce.

(1135) Sa'īd b. al-Musayyab said that if a man authorises his wife in the matter of divorce but the wife is unwilling to be separated from him and continues to live with him, there would be no divorce.

Chapter 336

ABOUT *ILĀ'*[285]

(1136) 'Alī b. Abū Ṭālib used to say : When a man vows not to cohabit with his wife, the woman will not be divorced, even if four months should pass, until the case is taken to a judge and the husband be compelled either to give divorce or cohabit.[286]

(1137) 'Abd Allah b. 'Umar used to say : When a man pronounces *īlā'* upon his wife and four months elapse, the husband should be

285. *Ilā'* means husband's taking oath on not cohabiting with his wife.

286. The *ilā'* will cease if cohabitation takes place, but penalty becomes payable for breaking the oath.

brought before a judge and compelled either to divorce or take her back. The lapse of four months without divorce will not bring the divorce into effect.

(1138) Shihāb reported that Sa'īd b. al-Musayyab and Abū Bakr b. 'Abd al-Raḥmān used to say about the man who pronounces *īlā'* against his wife and after four months, one divorce would become effective, but the husband has the option to take the wife back during *'iddah* probation.

(1139) It reached Mālik that Marwān b. Ḥakam was asked to give decision about a man who pronounced *īlā'* against his wife. He said : After the lapse of four months, one divorce becomes effective, but the husband has the option to take her back during *'iddah*.

Chapter 337

ON THE *ĪLĀ'* OF A SLAVE

(1140) Mālik asked Ibn Shihāb about the *īlā'* of a slave. He replied that the case of a free man applied also to the case of a slave, but the period of *īlā'* of a slave is two months.

Chapter 338

ABOUT *ẒIHĀR*[287] OF A FREE MAN

(1141) Sa'īd b. 'Amr b. Sulaim al-Zuraqī asked Qāsim b. Muḥammad : If a man should say to a woman : If I marry you, divorce be to you, what would happen ? Qāsim b. Muḥammad related that a man had spoken thus regarding a woman in the time of 'Umar b. al-Khaṭṭāb and said : If I marry her, she shall be to me like the back of my mother. 'Umar b. al-Khaṭṭāb ordered that if he marries her, he shall not cohabit with her until he pays the penalty of *ẓihār*.

(1142) It reached Mālik that a man asked Qāsim b. Muḥammad and Sulaimān b. Yasār : What would ensue if a man should speak words of *ẓihār* to a woman prior to marriage ? Both of them said : If

287. *Ẓihār* means to say to one's wife that she is like the stomach or back of his mother

that man should marry her, he should not cohabit with her, until he paid the penalty of *ẓihār*.

(1143) 'Urwah b. Zubair said that a man who should say *ẓihār* to four women at one and the same time would be subjected to one penalty.

(1144) Rabī'ah b. Abī 'Abd al-Raḥmān expressed the same view.

(1145) Hishām b. 'Urwah heard a man asking 'Umar b. Zubair: If a man tells his wife: "As long as you live, if I marry another woman she shall be to me like the back of my mother," how would it be? 'Urwah b. Zubair said that it would be sufficient for the man to free a slave.

Chapter 339

ON *ẒIHĀR* OF A SLAVE

(1146) Mālik asked Ibn Shihāb about the case of the *ẓihār* of a slave and he said it was analogous to that of a free man.[288]

Chapter 340

ON THE RIGHT OF A SLAVE AFTER EMANCIPATION

(1147) 'Ā'ishah, Mother of the Believers, declared that the case of Barīrah disclosed three matters of the *Sharī'ah*. First, when Barīrah wat freed, she had the option to leave her husband if she desired; secondly, when Barīrah became free, the Apostle of Allah (may peace be upon him) went to Barīrah. She had a pot of meat cooking on the hearth. Barīrah put bread and curry before him (the Apostle) who said: What about that pot of meat on the hearth? The people said: Apostle of Allah, that meat is of *ṣadaqah* and you do not eat anything of *ṣadaqah*. The Apostle of Allah (may peace be upon him) said: It is *ṣadaqah* to her, but is a present to us.

(1148) 'Abd Allah b. 'Umar said that if a slave-girl be under wedlock to a slave and she be set free, she would have the option, until

288. Mālik said that a slave is also subject to penalty exactly like a free man.

such time as, after her freedom, her husband should cohabit with her.[289]

(1149) 'Urwah b. Zubair reported that a slave-girl of Banī 'Adī, whose name was Zabrā', told him that she was married to a slave. And then she was set free. Ḥafṣah, wife of the Prophet (may peace be upon him), sent for her and said : I want to tell you something, but do not desire that you should do anything thoughtlessly. You have the option (of separation from your husband) until your husband cohabits with you, but once he does that, your option is lost. She said: If it is so, then divorce, divorce, divorce, and separated from her husband.[290]

(1150) It reached Mālik that Sa'īd b. al-Musayyab said : If a man marries a woman and he should be suffering from insanity or some disease (such as leprosy), the woman has the option to remain with him or leave him.

Chapter 341

ABOUT *KHUL'*[291]

(1151) Ḥabībah, daughter of Sahl Anṣārī, was wedded to Thābit b. Qais b. Shammās. One day the Apostle of Allah (may peace be upon him) set out for morning prayer in darkness and found Ḥabibah, daughter of Sahl, at the door. He asked : Who is it ? She said : I am Ḥabibah, daughter of Sahl. The Apostle of Allah (may peace be upon him) said : What is the matter with you ? She said : Either I am not, or Thābit b. Qais is not. When her husband Thābit b. Qais arrived, the Apostle of Allah (may peace be upon him) told him : This Ḥabībah, daughter of Sahl, has told me what Allah hath willed. Ḥabībah said : Apostle of Allah, whatever he gave me is with me.

289. Mālik said that if the husband cohabited with her after freedom and she expresses her ignorance about her option, this excuse of her would not be admitted.

290. Mālik said that the slave-girl who is wedded to a slave becomes free before cohabitation; if she desires separation from the husband, she will not be entitled to *mahr*.

291. *Khul'* means that a wife gets release from her husband after paying him back something in excess of what she received from him.

The Apostle of Allah (may peace be upon him) said to Thābit : Take it back, and he took that over. Ḥabībah went back to her parents.

(1152) The slave-girl of Ṣafīyyah, daughter of Abū 'Ubaid, obtained separation from her husband in exchange of her whole property. 'Abd Allah b. 'Umar did not consider it objectionable.[292]

Chapter 342

DIVORCE OF *KHUL'*

(1153) Nāfi' reported : Rubayyi' daughter of Mu'awwidh b. 'Afrā', and her paternal aunt went to 'Abd Allah b. 'Umar and related that she had separated herself from her husband in the time of 'Uthmān b. 'Affān and when the news reached 'Uthmān he had no objection. 'Abd Allah b. 'Umar said : Her *'iddah* is that of a divorced woman.

(1154) It reached Mālik that Sa'īd b. al-Musayyab and Sulaimān b. Yasār and Ibn Shihāb used to say that a woman who obtains separation by *khul'* should observe *'iddah* for three cleanlinesses just as a divorced woman does.[293]

Chapter 343

ABOUT *LI'ĀN*[294]

(1155) Sahl b. Sa'd al-Sā'idī reported that 'Uwaimir 'Ajlānī went to 'Āṣim b. 'Adī Anṣārī and said : 'Āṣim, if you find a person seeing

292. Mālik said : The woman who gets her release in lieu of money or property and later on when it is learnt that the husband had done grave injustice—had forcibly appropriated her money—she would stand divorced and all her money would be paid back to her.

293. Mālik said that the woman who gets her separation through *khul'* cannot meet her husband until she marries him. If she marries the same man and he released her before cohabiting, she need not complete *'iddah* again, but only the first.

294. If the husband accuses his wife of fornication, he will have to go to the *qāḍī* along with his wife where on oath from both they will be separated. This is called *li'ān* and the husband and wife would be called *mutlā'inin*.

his wife with another person and kills him, and he too is liable to death, what then should he do? Qāsim, ask this of the Apostle of Allah (may peace be upon him) on my account. 'Āṣim asked the Apostle of Allah (may peace be upon him) in the matter. He resented this question and rebuked him. 'Āṣim felt it greatly on whatever he heard from the Apostle of Allah (may peace be upon him). When 'Āṣim returned to his family, 'Uwaimir came to him and asked: O 'Āṣim! what did the Apostle of Allah (may peace be upon him) say? Thereafter, 'Āṣim said to 'Uwaimir: You did not do any good to me. The Apostle of Allah (may peace be upon him) was certainly displeased with the question you asked me to put to him. 'Uwaimir said that he would not rest until he asked the Apostle of Allah (may peace be upon him) himself. 'Uwaimir went to the Apostle of Allah (may peace be upon him). The people were gathered around him. He asked: Apostle of Allah, if a man should find a stranger in (familiar) company with his wife and kills him, he himself would suffer death. What should he do under the circumstances? The Apostle of Allah (may peace be upon him) said: The command has descended regarding you and your wife; bring your wife here. Both of them came and swore before the Apostle of Allah (may peace be upon him). 'Uwaimir said: If I take this woman back, it would mean I had told a lie. He then pronounced three divorces against her, without being ordered to do so by the Apostle of Allah (may peace be upon him).

Mālik said that Ibn Shihāb reported that thereupon the custom of *mutlā'inīn* was established.

(1156) 'Abd Allah b. 'Umar reported that a man did *li'ān* against his wife, during the time of the Apostle of Allah (may peace be upon him) and said that his son was not his own. The Apostle of Allah (may peace be upon him) separated them and handed the son over to the mother.[295]

295. Mālik said: A man who accuses his wife of immorality, and he does not have witnesses to support the accusation, should swear four times by Allah that he is truthful and the fifth time that Allah's wrath be on him if he tells a lie. Similarly, the wife can save herself by swearing four times by Allah that her husband is a liar and the fifth time by swearing that Allah's wrath be on her if her husband is speaking the truth.

Chapter 344

THE INHERITANCE OF THE CHILD OF THE WIFE WITH WHOM *LI'ĀN* HAS BEEN PERFORMED

(1157) It reached Mālik that 'Urwah b. Zubair said : When the child of a *mutlā'in* woman or a bastard child should die, the mother would be entitled to her share according to the Book of Allah and maternal brothers would also inherit their rights and whatever should be left will accrue to his mother's master if his mother were a slave-girl who had been freed ; and if she be a free Arab, whatever should be left after giving the mother and brothers will be credited to Muslims (*Bait al-Māl*).

Chapter 345

DIVORCE OF A VIRGIN

(1158) Muḥammad b. Iyās b. Bukair reported : A man pronounced a triple divorce against his wife before cohabitation, and then desired to marry her. He went to enquire and I went with him. He asked 'Abd Allah b. 'Abbās and Abū Hurairah about it. Both of them said : Thy marriage with her is invalid until she marries another. He exclaimed : Has she become *bā'in* with one divorce ? Ibn 'Abbās said : Thou hast lost your option by thy own hands.

(1159) 'Aṭā' b. Yasār reported : A man came to 'Abd Allah b. 'Amr b. al-'Āṣ and asked : What is the rule about the man who pronounces three divorces before cohabitation ? 'Aṭā' declared that in case of a virgin one divorce becomes effective. 'Abd Allah b. 'Amr b. al-'Āṣ said : Thou art a romancer. One divorce makes it *bā'in* and three divorces make it absolute until the woman marries another.

(1160) Bukair b. 'Abd Allah b. al-Ashajj reported that Mu'āwiyah b, Abī 'Ayyāsh al-Anṣārī was sitting with 'Abd Allah b. Zubair and 'Āṣim b. 'Umar when Muḥammad b. Iyās b. Bukair arrived and said: A bedouin has divorced his wife three times before cohabitation. What is your opinion in this particular case ? 'Abd Allah b. Zubair replied : We have no knowledge in this matter. Go and ask 'Abd

Allah b. 'Abbās and Abū Hurairah. I have just left them with 'Ā'ishah. Ask and come back and inform me of what they say. Muḥammad b. Iyās went and asked accordingly. 'Abd Allah b. 'Abbās asked Abū Hurairah : What is your decision, O Abū Hurairah ? A hard case has come up. Abū Hurairah replied : With one divorce the woman became *bā'in* and with three *ḥarām*, until she is married to another. 'Abd Allah b. 'Abbās pronounced the same verdict.[296]

Chapter 346

DIVORCE OF A SICK MAN

(1161) Ṭalḥah b. 'Abd Allah b. 'Auf said : He knew more than anybody else. Abī Salamah b. 'Abd al-Raḥmān b. 'Auf pronounced a divorce upon his wife and he was ill. Uthmān b. 'Affan got her share out of his property even after the lapse of the '*iddah* period.[297]

(1162) A'raj reported that 'Uthmān b. 'Affān got the women of Ibn Mukmil their shares. He had divorced them when he was sick.

(1163) Rabī'ah b. Abī 'Abd al-Raḥmān said that it reached him that the wife of 'Abd al-Raḥmān b. 'Auf asked him to divorce her. He said : When you become clean after menstruation, inform me. She did not get the menses until 'Abd al-Raḥmān fell ill. When she got clean, he gave her the option and she obtained divorce or he gave her the last divorce. 'Abd al-Raḥmān b. 'Auf had got for her her share of inheritance even after the days of '*iddah* had passed.

(1164) Muḥammad b. Yaḥyā b. Ḥabbān reported : My grandfather Ḥabbān had two wives, one Hāshimī and the other Anṣārī. He divorced the Anṣārī wife and she was suckling her baby for a year and did not menstruate. Thereafter, Ḥabbān died. She said : I must have my share, for I have not menstruated and the two women took their case to 'Uthmān b. 'Affān. He ordered the grant of her share. The Hāshimī woman began to reprove 'Uthmān. 'Uthmān said : This is

296. Mālik said : If anyone marries a *thayyibah* woman and divorces her three times before cohabiting with her, she becomes *ḥarām* for him unless she first marries another man.

297. If the husband during his sickness divorces his wife with a view to depriving her of her share from his property, Imām Mālik considers her a regular inheritor.

the decision of the son of your uncle, i.e. 'Alī b. Abū Ṭālib.[298]

Chapter 347

THE GIFT OF *MUT'AH*[299] AT THE TIME OF DIVORCE

(1165) It reached Mālik that when 'Abd al-Raḥmān b. 'Auf divorced his wife, he gave her a gift of a slave-girl.

(1166) 'Abd Allah b. 'Umar said that every divorced woman should get a gift except the one whose *mahr* had been fixed but was divorced prior to cohabitation. It would be sufficient to give her half her *mahr*.

Chapter 348

ṬALĀQ OF THE SLAVE

(1167) Sulaimān b. Yasār reported that Nufai' was the slave of Umm Salamah, wife of the Prophet (may peace be upon him). He had as wife a free woman. He divorced her twice and then desired to take her back. The wives of the Prophet (may peace be upon him) ordered him to refer the matter to 'Uthmān b. 'Affān. He met 'Uthmān at Daraj[300] when he was holding the hand of Zaid b. Thābit. When he related the case, both of them said: The woman has become forbidden to you.[301]

(1168) Sa'īd b. al-Musayyab reported: Nufai' who was the slave of Umm Salamah, wife of the Prophet (may peace be upon him), pronounced two divorces against his wife and then referred the case to 'Uthmān b. 'Affān who declared: She has become forbidden to you.

(1169) Muḥammad b. Ibrāhīm b. al-Ḥārith Taimī reported: Nufai', the slave of Umm Salamah, wife of the Prophet (may peace be upon him), asked the vardict of Zaid b. Thābit and said: I have

298. Ḥaḍrat 'Alī was also a Hāshimī like that woman. Hence Ḥaḍrat 'Uthmān said that in order to please her.

299. *Mut'ah* is the gift which the husband gives to his wife at the time of divorce; minimum is one pair of clothes and maximum is to give a slave or slave-girl.

300. A place in Medina.

301. A slave is entitled to give only two *ṭalāqs* unlike a free person who is entitled to three.

pronounced two divorces against my free wife. Zaid b. Thābit said: She has become forbidden to you.

(1170) Nāfi' reported that 'Abd Allah b. 'Umar said: When a slave should pronounce two divorces against his wife, she would become forbidden to him until she marries another. The wife may be free or a slave-girl. The *'iddah* of a free woman is three menses and that of a slave-girl two.

(1171) Nāfi' reported that 'Abd Allah b. 'Umar said that when a man gave permission to his slave to marry, divorce will be at the option of the slave and none other. A man may, however, seize the slave-girl of a slave or the slave-girl of a slave-girl and cohabit with her, and there would be no harm.

Maintenance of a Divorced Slave-girl when She is Pregnant

Mālik said: In case a free man or a slave divorced a slave-girl or a slave divorces a free woman, he is not to maintain her even if she be pregnant, when the divorce is absolute. If a free man marries a slave-girl, and she gives birth to a child, the nursing of the child is not the responsibility of the husband but that of the slave-girl, because the child is also the property of the owner of its mother.

If a slave marries a slave-girl and she gives birth to a child, the nursing of the child does not devolve upon the slave because it is not valid to spend out of one's master's property without his permission on what is not his property.

Chapter 349

ABOUT THE *'IDDAH* OF A WOMAN WHOSE HUSBAND IS MISSING

(1172) Sa'īd b. al-Musayyab reported that 'Umar b. al-Khaṭṭāb said: If a woman's husband is missing and his whereabouts are not known to her, the wife should wait for four years, beginning from the date when news about him stopped. And after completion of four years she should sit in *'iddah* for four months and ten days. After that period she is free to remarry.

Chapter 350

ABOUT THE *'IDDAH* OF *ṬALĀQ* AND THE *ṬALĀQ* OF MENSTRUATING WOMEN

(1173) Nāfi' reported that 'Abd Allah b. 'Umar divorced his wife during menstruation in the time of the Apostle of Allah (may peace be upon him). 'Umar b. al-Khaṭṭāb asked the Apostle of Allah (may peace be upon him) on the matter. The Apostle of Allah (may peace be upon him) replied : Ask him to take her back and wait until the period of menstruation is over, until she gets menstruated again and gets clean again. After that, it is open to him to keep her or divorce her If she is to be divorced, he is not to cohabit with her during her cleanliness. This is the *'iddah* that the Lord has commanded about divorce.

(1174) 'Ā'ishah, Mother of the Faithful, terminated the *'iddah* of her niece Ḥafṣah, daughter of 'Abd al-Raḥmān b. Abū Bakr Ṣiddīq, when her third menstruation began. Ibn Shihāb said : I spoke of this to 'Amrah, daughter of 'Abd al-Raḥmān, who said that 'Urwah b. Zubair had spoken the truth. The people quarrelled with Ḥaḍrat 'Ā'ishah in this respect and said : Verily, the Exalted Lord commands the divorced women to restrain themselves until three periods of cleanliness.

(1175) Ibn Shihāb reported : I heard Abū Bakr b. 'Abd al-Raḥmān saying : I found all our jurists of the same opinion as that of Ḥaḍrat 'Ā'ishah.

(1176) Sulaimān b. Yasār reported : Aḥwaṣ died in Syria during the time when his wife was in her menses and he had pronounced the divorce. Mu'āwiyah b. Abū Sufyān referred the matter to Zaid b. Thābit. Zaid wrote to him that when her third menstruation had started, the husband had no more concern with her, neither had she any concern with him. He will not be her inheritor nor will she be his inheritor.

(1177) It reached Mālik that Qāsim b. Muḥammad, Sālim b. 'Abd Allah, Abū Bakr b. 'Abd al-Raḥmān, Sulaimān b. Yasār and Ibn Shihāb said that when a divorced woman starts her third mens-

truation she will become *bā'in* from her husband and he will not have the option of taking her back. The inheritance of one will not be obtained by the other.

(1178) 'Abd Allah b. 'Umar said that when a man divorced his wife and the third menstruation should start, that woman should have no concern with the husband and neither would he have any concern with her. Neither would inherit from the other.

(1179) Fuḍail b. 'Abd Allah, freedman of Mahrī, reported that Qāsim b. Muḥammad and Sālim b. 'Abd Allah said that when a divorced woman should start her third menstruation, she will become *bā'in* from her husband and her second marriage will be valid.

(1180) Sa'īd b. al-Musayyab, Ibn Shihāb and Sulaimān b. Yasār said that the '*iddah* of the woman who obtains separation was three periods of cleanliness.

(1181) Mālik reported that he heard Ibn Shihāb saying that the '*iddah* of a divorcee will be counted by menstrual periods and cleanlinesses, even if a long time should elapse.

(1182) An Anṣār woman demanded divorce from her husband. He asked her to let him know when she should get menstruated. When she had her menses, she informed him. He asked her to let him know when she got clean. She did so, and he divorced her.

Chapter 351

PLACE OF '*IDDAH* IN THE SAME PLACE WHERE DIVORCE IS GIVEN

(1183) Yaḥyā b. Sa'īd reported that he heard Qāsim b. Muḥammad and Sulaimān b. Yasār stating that Yaḥyā b. Sa'īd b. 'Āṣī gave the *battah* divorce to the daughter of 'Abd al-Raḥmān b. Ḥakam. Her father, 'Abd al-Raḥmān b. Ḥakam, called her over from the house. 'Ā'ishah sent word to Marwān b. Ḥakam who was, at the time, the administrator of Medina and said : Fear Allah, and have the woman sent back to her house. Sulaimān reported that Marwān said : 'Abd al-Raḥmān is superior to me. Qāsim reported that Marwān asked 'Ā'ishah : Do you not remember the *ḥadīth* of Fāṭimah, daughter of

Qais? 'Ā'ishah replied : There would be no harm if you do not quote the *ḥadīth* of Fāṭimah. Marwān answered : If you imagine that Fāṭimah's change of place was occasioned by the facts (that the husband and wife used to quarrel), the same reason holds good here.

(1184) Nāfi' reported that the daughter of Sa'īd b. Zaid b. 'Amr b. Nufīl was married to 'Abd Allah b. 'Amr b. 'Uthmān b. 'Affān. He gave her the triple divorce and she left the house. 'Abd Allah b. 'Umar disliked it.

(1185) Nāfi' reported that 'Abd Allah b. 'Umar divorced his wife in the house of Ḥafṣah, wife of the Prophet (may peace be upon him). The way of the house led to the mosque. 'Abd Allah b. 'Umar used to pass by another way from behind the houses for he considered it repugnant to enter the house of a divorcee without taking permission or without taking her back.

(1186) Yaḥyā b. Sa'īd reported that Sa'īd b. al-Musayyab was asked the question : If a woman should be in a rental house and the husband divorced her, then who would pay the rent until the termination of the '*iddah*? Sa'īd said that the husband would pay. He asked : How the matters would stand if husband could not afford it? Sa'īd said that the wife will pay. He said : If she also could not afford it? Sa'īd said : The Governor will pay.

Chapter 352

MAINTENANCE OF A DIVORCED WIFE

(1187) Fāṭimah, daughter of Qais, was given by Abū 'Amr b. Ḥafṣ divorce of *battah*, and he was away in Syria. He sent barley through his agent. Fāṭimah was furious. The agent said : There is nothing owing to you. Fāṭimah approached the Apostle of Allah (may peace be upon him) who said : Verily, your husband is not liable to any expense. Pass your '*iddah*' in the house of Umm Sharīk. But then the house of Umm Sharīk is frequented by my Companions. So pass your days in the house of 'Abd Allah b. Umm Maktūm. He is blind. Even if you take off your clothes, there would be no harm. When your '*iddah* should end, inform me. Fāṭimah reported that after the end of

her *'iddah* she informed the Apostle of Allah (may peace be upon him) that Mu'āwiyah b. Abū Sufyān and Abū Jahm b. Hishām had both proposed to her. The Apostle of Allah (may peace be upon him) said : Abū Jahm never puts down his handstick (i.e. always beats his wives) and Mu'āwiyah is destitute and has no money. Marry Usāmah b. Zaid. She said : I dislike him. He asked her to Marry Usāmah b. Zaid. (She said :) I then married him. The Lord blessed the marriage and the people were envious of it.

(1188) Ibn Shihāb used to say that a woman who should get the triple divorce should not come out of her house until the *'iddah* is over. She will obtain no provision unless she be pregnant, in which case it would be continued until delivery.

Chapter 353

MISCELLANEOUS *AḤĀDĪTH* ABOUT *'IDDAH*

(1189) Yazīd b. 'Abd Allah b. Qusaiṭ al-Laith said that Sa'īd b. al-Musayyab reported that 'Umar b. al-Khaṭṭāb laid it down that a woman who is divorced, and whose menstruation stops after a period or two, should wait for nine months. If pregnancy should appear, well and good, otherwise after an *'iddah* of three months she may remarry.

(1190) Sa'īd b. al-Musayyab used to say that divorce is connected with men and *'iddah* is connected with women.[302]

(1191) Sa'īd b. al-Musayyab reported that the period of *'iddah* of a woman in continuous menstruation[303] is one year.

Chapter 354

REGARDING ARBITERS

(1192) Mālik reported that it reached him that 'Alī b. Abī Ṭālib

302. A free man has the right to pronounce three divorces whether the woman be free or slave. A slave has the right to pronounce two divorces whether the woman be free or slave. A free woman has an *'iddah* of three periods of cleanliness whether the man be free or slave. A slave-woman has an *'iddah* of two periods of cleanliness whether the man be free or slave.

303. By a woman in continuous menstruation is meant a woman suffering from continued flow of menses.

spoke about arbitrators that the Lord commanded :

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِن يُرِيدَا إِصْلَاحًا
يُوَفِّقِ اللَّهُ بَيْنَهُمَا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا

"If ye fear a breach between them twain, appoint (two) arbiters, one from his family and the other from hers : if they wish for peace, Allah will cause their reconciliation : for Allah hath full knowledge and is acquainted with all things" [iv. 35].

These arbiters shall have the power either to bring about separation between the two or bring about reconciliation.[304]

Chapter 355

TO TAKE AN OATH ON THE DIVORCE OF A WOMAN WHOM ONE HAS NOT YET MARRIED

(1193) Mālik reported that it reached him that 'Umar b. al-Khaṭṭāb, 'Abd Allah b. 'Umar, 'Abd Allah b. Mas'ūd, Sālim b. 'Abd Allah, Qāsim b. Muḥammad, Ibn Shihāb and Sulaimān b. Yasār—all used to say that if a man should swear to divorce a woman before marriage and break his oath after marriage, the divorce would become effective.[305]

(1194) Mālik said that it reached him from 'Abd Allah b. Mas'ūd who said that if a man should say : I divorce whichever woman I should marry, and does not make mention of any particular tribe or woman, his saying so would be absurd.

Chapter 356

ABOUT A MAN WHO IS UNABLE TO COHABIT WITH HIS WIFE

(1195) Sa'īd b. al-Musayyab said that if a man married a woman but could not cohabit with her, he should be given a year's time. If he

304. The decision of the arbiters, whether in separation or on reconciliation, is final and binding.

305. That is, if he says : If I marry this woman, she is liable to *ṭalāq*. Thus if he then marries her, the *ṭalāq* would be effective.

cohabits with her during this while, it would be well, otherwise the two should be separated.

(1196) Mālik asked Ibn Shihāb as to from when the year would be counted, from the time of their sleeping together or from the time the case was brought up before the judge. He replied : From the time the case came up for hearing.[306]

Chapter 357

MISCELLANEOUS *AḤĀDĪTH* ABOUT *ṬALĀQ*

(1197) Ibn Shihāb reported that the Apostle of Allah (may peace be upon him) told a man from Thaqīf who became a Muslim and had at that time ten wives that he should keep four and leave off the rest.

(1198) Ibn Shihāb reported that he heard Sa'īd b. al-Musayyab and Ḥumaid b. 'Abd al-Raḥmān b. 'Auf and 'Ubaid Allah b. 'Abd Allah b. 'Utbah b. Mas'ūd and Sulaimān b. Yasār, all saying that they heard from Abū Hurairah who said : I heard 'Umar b. al-Khaṭṭāb saying : If a man should divorce his wife once or twice and abandons her until the period of *'iddah* transpires, and she marries another husband and he later dies or divorces her, and the first husband should remarry her, he shall have the right of one divorce.[307]

(1199) Thābit Aḥnaf married *Umm Walad* of 'Abd al-Raḥmān b. Zaid b. Khaṭṭāb. He said : 'Abd Allah b. 'Abd al-Raḥmān b. Zaid b. Khaṭṭāb sent for me, and I went to him. I saw lashes, two iron fetters and two slaves who were made to sit by. He said to me : Divorce this *Umm Walad*, otherwise I will beat you and severely punish you. I said : If it is so, I give her *ṭalāq* a thousand times. He said : When I left the place, I met 'Abd Allah b. 'Umar on his way to Mecca and narrated all this to him. 'Abd Allah b. 'Umar was furious and said : This is not a divorce and she is not forbidden to you ; return to your family. Thābit said : My heart did not feel satisfied and I went to 'Abd Allah b. Zubair at Mecca. 'Abd Allah b. Zubair was at the time the Gover-

306. Mālik said that if a man had cohabitation with his wife but later on he could not, there is no necessity to give him time and there would be no separation.

307. According to Abū Ḥanīfah he will attain the right of three divorces again.

nor of Mecca. I informed him of what had taken place and told him also what 'Abd Allah b. 'Umar had said to me. 'Abd Allah b. Zubair said to me : Verily, that woman has not become forbidden to you. Go to your family. He also wrote to Jābir b. Aswad Zuhrī, the administrator of Medina, ordering him to chastise 'Abd Allah b. 'Abd al-Raḥmān and deliver the wife of Thābit Aḥnaf to him. When I returned to Medina, Ṣafīyyah, the wife of 'Abd Allah b. 'Umar, sent my wife to me, clothed and adorned. On instructions from 'Abd Allah b. 'Umar, I arranged a *walīmah* feast and invited 'Abd Allah b. 'Umar, and he came.

(1200) 'Abd Allah b. Dīnār reported that he heard 'Abd Allah b. 'Umar reciting :

« يَاَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَآءَ فَطَلِّقُوهُنَّ لِعِدَّتِهِنَّ »

"O Prophet ! when ye do divorce women, divorce them at their prescribed periods" (lxv. 1).[308]

(1201) 'Urwah b. Zubair said that formerly the custom was that a man divorced his wife and, when the '*iddah* should be at the point of ending, he took her back and so repeated the process, even though he had to pronounce the divorce a thousand times. A man behaved so with his wife. He divorced her and when the period of '*iddah* was drawing to an end, he took her back, divorced her again and said : By the Lord, I shall neither unite with you nor let you unite with anybody else. The Lord then revealed this verse : "Divorce is twice. At its end, either the woman should be taken back according to custom or sent away according to custom" [ii. 229]. From that time onwards, people started divorce in the new way, those who had divorced and those who had not.

(1202) Thaur b. Zaid al-Dailī reported that in former times a man used to divorce his wife and then take her back and his intention was not to keep her but to extend the '*iddah* severally so as to do her harm. The Lord then sent down the verse : "Do not detain woman with the intent to do them harm. He who does so treats cruelly his own self. This is the advise of the Lord to all people" [ii. 231].

308. It means a divorce at every cleanliness.

(1203) Mālik reported that it reached him from Sa‘īd b. al-Musayyab and Sulaimān b. Yasār that they were asked about the case of the divorce pronounced by a man in a state of intoxication. Both said that the divorce when spoken by an intoxicated person would be valid and if a man in a state of intoxication kills (a person), he is killed.

(1204) Mālik reported that it reached him from Sa‘īd b. al-Musayyab who used to say that when a man should not be able to provide his wife with sustenance, separation should be brought about.

Chapter 358

ABOUT THE ‘*IDDAH* OF A PREGNANT WOMAN WHEN HER HUSBAND DIES

(1205) Abū Salamah b. ‘Abd al-Raḥmān reported that ‘Abd Allah b. ‘Abbās and Abū Hurairah were asked as to how a pregnant woman’s ‘*iddah* should be calculated after the husband dies. Ibn ‘Abbās said that the latter of the two ‘*iddahs* should be taken into account. Abū Hurairah said: When she becomes eligible (for marriage). Abū Salamah b. ‘Abd al-Raḥmān went to Umm Salamah, wife of the Prophet (may peace be upon him), and asked her in this particular. Umm Salamah said: Subai‘ah Aslamīyyah was confined for fifteen days after her husband’s death. Two persons then sent marriage proposals to her. One of them was young and the other middle-aged. She was inclined tawards the younger one. The middle-aged one said that her ‘*iddah* had not transpired. He said this to gain time, imagining that when her relatives, who were not present, would come over sometime soon and that they would make her agree to his proposal. Subai‘ah then approached the Apostle of Allah (may peace be upon him) and narrated the affair. He said: Thy ‘*iddah* has transpired. Marry whom thou wilt.

(1206) ‘Abd Allah b. ‘Umar wās asked about the period of ‘*iddah* if the husband of a pregnant woman should die. ‘Abd Allah b. ‘Umar said that the ‘*iddah* would expire with her confinement. Meanwhile,

an Anṣārī said that 'Umar b. al-Khaṭṭāb had said : If the husband's bier be laid on the board and burial should not have taken place and his wife should be delivered, her '*iddah* would have expired.

(1207) Miswar b. Makhramah reported that Subai'ah Aslamīyyah was confined a few nights after the death of her husband. The Apostle of Allah (may peace be upon him) told her : Now thy '*iddah* is over. Marry whomsoever thou likest.

(1208) Sulaimān b. Yasār related that 'Abd Allah b. 'Abbās and Abū Salamah b. 'Abd al-Raḥmān b. 'Auf held different views regarding the '*iddah* of a woman who gives birth after two weeks of her husband's death. 'Abū Salamah said that as soon as her womb should be delivered her '*iddah* is over and she becomes eligible (for marriage). 'Abd Allah b. 'Abbās expressed the opinion that she should wait until the expiry of the latter of the two '*iddahs*. Meanwhile came Abū Hurairah who said : I agree with my brother Abū Salamah b. 'Abd al-Raḥmān. The people then sent Kuraib, the freedman of 'Abd Allah b. 'Abbās, to Umm Salamah, wife of the Prophet (may peace be upon him), asking her for a solution of the problem. She said : Subai'ah Aslamiyyah was confined a few nights after the death of her husband. When this was reported to the Apostle of Allah (may peace be upon him), he said : Thou hast become eligible (for marriage) : marry whom thou wilt.

Chapter 359

A WIDOW SHOULD LIVE IN THE SAME HOUSE UNTIL HER '*IDDAH* IS OVER

(1209) Zainab, daughter of Ka'b b. 'Ajrah, reported that Furai'ah, daughter of Mālik b. Sinān, who was the sister of Abū Sa'īd Khudrī, told her that she came to the Apostle of Allah (may peace be upon him) and asked if she had the permission to go to her people because (she said) : Some of the slaves of my husband had run away and my husband had gone in search of them. I went after and when I reached Qudūm,[309] I found the slaves, but they had killed my husband. My

309. A place seven miles distant from Medina.

husband left neither any house nor money for me. If you permit, I may go to my family, Banī Khidrah. He allowed me to go over. I had scarcely left the room when he, or someone ordered by him, called me back and asked me to narrate the whole story. Then he said : Remain in the same house until your *'iddah* expires. I lived in the same house for four months and ten days. When 'Uthmān b. 'Affān (on becoming *Khalīfah*) sent for me and enquired of me the particulars and I informed him, he gave his decision on that basis.

(1210) Sa'īd b. al-Musayyab reported that 'Umar b. al-Khaṭṭāb used to send back women from Baidā' who were then in periods of *'iddah* and did not allow them to proceed to *Ḥajj*.

(1211) Yaḥyā b. Sa'īd reported that it reached him that Sā'ib b. Khabbāb died and his wife went to 'Abd Allah b. 'Umar and informed him of her husband's death and said : I have some cultivation in Qanāb ; if you permit I may spend the night there. He forbade her from doing so. She then used to go in the morning from Medina, spend the whole day on the land and return to Medina in the evening and pass the night in her house.

(1212) Hishām b. 'Urwah reported from his father that he used to say that if the husband of any of the people living in the desert should die, she should remain with her relatives. Wherever they camp, there she may camp too.

(1213) Nāfi' reported that 'Abd Allah b. 'Umar said : The woman whose husband should die, or whose husband should divorce her, should pass nights at home.

Chapter 360

ON THE *'IDDAH* OF *UMM WALAD* WHEN HER MASTER DIES

(1214) Qāsim b. Muḥammad said that Yazīd b. 'Abd al-Malik separated men from those women who were the mothers of the sons of people and who had died and who had married after a menstruation or two and ordered a period of four months and ten days as *'iddah*. Then Qāsim b. Muhammad said : Praise be to God. The Lord

sayeth in His Book :

وَالَّذِينَ يُتَوَفَّوْنَ مِنكُمْ وَيَذَرُونَ أَزْوَاجًا مَّا هُنَّ مِنَ الْأَزْوَاجِ .

"Those who die from among you and leave behind wives they should observe *'Iddah* for four months and ten days ; and *Umm Walad* cannot be counted among wives" [ii. 234].

(1215) 'Abd Allah b. 'Umar said that if the owner of an *Umm Walad* should die, she should observe *'iddah* until one menstruation.[310]

Chapter 361

ON THE *'IDDAH* OF A SLAVE-WOMAN WHEN HER MASTER OR HUSBAND DIES

(1216) Mālik said that it reached him from Sa'īd b. al-Musayyab and Sulaimān b. Yasār who said : When the husband of a slave-girl should die, her period of *'iddah* is two months and five days.

(1217) Ibn Shihāb reported to the same effect.[311]

Chapter 362

PERFORMANCE OF *'AZL*[312]

(1218) Ibn Muḥairīz reported : I went to the mosque and found Abū Sa'īd Khudrī sitting there. I asked him about *'azl.* He said : We went with the Apostle of Allah (may peace be upon him) to the battle of Banī Muṣṭaliq and there we seized some women of the enemy as captives. We were moved to passion and felt it difficult to abstain. At the same time we desired to sell those women and obtain money ; we

310. Mālik said that if an *Umm Walad* does not menstruate, she should observe *'iddah* for three months.

311. The slave who dies after divorcing his slave-girl (*raj'i* divorce) and his wife be in *'iddah* she should now observe *'iddah* for two months and five days. If the slave-girl attains freedom and does not like to separate from her husband so much so that the husband dies during *'iddah*, then this slave-girl should observe *'iddah* for four months and ten days like a free woman.

312. *'Azl* means to discharge semen out while cohabiting.

therefore, intended to do *'azl.*[313] We then thought that as the Apostle of Allah (may peace be upon him) was present, it would be undesirable to do so without referring the matter to him. We asked him and he said : There is no harm, for whatever life the Lord intends to bring into the world, will come into being until the Day of Resurrection.

(1219) The *Umm Walad* of Abū Ayyūb Anṣārī reported that he used to observe *'azl.*

(1220) 'Abd Allah b. 'Umar did not observe *'azl* and considered it repugnant.

(1221) Ḥajjāj b. 'Amr b. Ghazzīyyah (b. Thābit) was sitting with Zaid b. Thābit. Just then came Ibn Fahd, a resident of Yemen, and said : O Abū Sa'īd (Zaid b. Thābit), I have some slave-girls who are better than my wives, but I do not desire that they should all become pregnant. Shall I do *'azl* with them ? Zaid asked Ḥajjāj to solve the problem. Ḥajjāj said : May the Lord forgive you ! We come to you to learn from you. He said : O Ḥajjāj, give your decision. I said : They are your fields of cultivation. If you wish to irrigate them do so, or if you desire otherwise, keep them dry.[314] I used to hear it so from Zaid. Zaid said : He speaks the truth.

(1222) A man was asked whether *'azl* was allowed. He sent for a slave-girl of his and asked her to tell. She felt shy. 'Abd Allah b. 'Abbās said : See this is the solution. I indulge in *'azl.*[315]

Chapter 363

ON MOURNING

(1223) Ḥumaid b. Nāfi' reported that Zainab, daughter of Abī Salamah, recounted to him these three traditions. Zainab said : I went to Umm Ḥabībah, who was the wife of the Prophet (may peace be upon him), when her father Abū Sufyān b. Ḥarb had died. Umm

313. Without having recourse to *'azl* there was danger of pregnancy and it would be difficult to dispose it of.

314. He may use his discretion and allow them to conceive or practise *'azl* to guard against pregnancy.

315. Mālik said that in case of a free woman *'azl* should not be done without her consent but in case of one's slave-girl consent is not necessary.

Ḥabībah sent for scent which was mixed with saffron. She applied it to a slave-girl and then to her own cheeks and said : By the Lord, I do not need scent but I heard from the Apostle of Allah (may peace be upon him) saying : It does not befit the woman who believes in Allah and the Hereafter that she should mourn over a dead body for more than three nights except in the case of her husband for whom the period of mourning is four months and ten days.

It is narrated that Zainab said : I went to Zainab, daughter of Jaḥsh, who was the wife of the Prophet (may peace be upon him), when her brother had died. She sent for scent and applied it to herself and said : By Allah, I do not need scent, but I heard the Apostle of Allah (may peace be upon him) saying on the pulpit : It is not proper for a woman who believes in Allah and the Hereafter to mourn the loss of anybody for more than three days, but in case of her husband she may mourn for four months and ten days.

Zainab said : I heard my mother Umm Salamah, wife of the Prophet (may peace be upon him), saying that a woman came to the Apostle of Allah (may peace be upon him) and said : Apostle of Allah, my daughter's husband has died and her eyes are paining. If you permit I may apply collyrium to her eyes. He said : No, No—three or four times—it is necessary to abstain for four months and ten days. In the pagan days they used to abstain for one year at the end of which they used to throw camel-dung. Ḥumaid asked Zainab the significance of throwing camel-dung. She replied : In the pagan days, when the husband of a woman died, the woman used to repair to some ruin, wear the worst of clothes, not apply scent for a year. After one year, they used to bring an animal, an ass or a goat or some bird, and rubbed it on their bodies, which usually died. Then they would set out. Camel-dung would be given to the woman who, throwing it away, had the option of applying scent or engage in any other work.

(1224) 'Ā'ishah and Ḥafṣah, wives of the Prophet (may peace be upon him), reported that the Apostle of Allah (may peace be upon him) said : It does not befit a woman who believes in the Lord and the Last Day to mourn for anybody dead for more than three nights, except for the husband.

(1225) Mālik reported that it reached him that Umm Salamah, wife of the Prophet (may peace be upon him), told a woman who was in mourning for her husband and her eyes were paining to apply collyrium to her eyes at night, and wipe it off in the morning.

(1226) Sālim b. 'Abd Allah and Sulaimān b. Yasār used to say that the woman whose husband died and who should fear conjunctivitis or any other ailment of the eyes might apply collyrium or any other medicine even though it may contain scent.

(1227) Ṣafīyyah, daughter of Abū 'Ubaid, was in mourning for the loss of her husband 'Abd Allah b. 'Umar. She did not apply collyrium even though her eyes were paining, until there was conjunctivitis.[316]

(1228) Mālik reported that it reached him that the Apostle of Allah (may peace be upon him) went to Umm Salamah and she was in mourning of her husband Abū Salamah.[317] She had applied aloe to her eyes and he (the Prophet) asked: What is it, O Umm Salamah? She said : It is aloe, Apostle of Allah. He said : Apply it at night and wipe it off during the day.

(1229) Mālik reported that it reached him from Umm Salamah, wife of the Prophet (may peace be upon him), who said that the woman in mourning could wash her head with pear leaves and apply olive oil.

316. Mālik said : The woman who is mourning her husband should abstain from putting on ornaments, not even a finger-ring, nor cloth of Yemen (meaning fine cloth), nor wear coloured clothes except coarse cloth, dyed black. She should not comb her hair or use any kind of shampoo for washing hair except the leaves of berry. She is permitted to use olive oil but it should be without any scent.

317. Mālik said : If the wife is of under-age and has not yet begun menstruating, she should also mourn at the death of her husband like the woman who has attained puberty and whatever she abstains from the former should also do the same.

Mālik said that when the husband of a slave-girl dies, she should mourn for two months and five days.

XV. KITAB AL-RAḌA'

Chapter 364

MILK-FEEDING OF THE CHILD

(1230) 'Ā'ishah, Mother of the Faithful, reported that the Apostle of Allah (may peace be upon him) was in the house with her when she heard a man's voice who asked permission to enter. Ḥafṣah's house. She said : Apostle of Allah, this is the voice of a man who wants to enter your house. He replied : I think it is so and so and took the name of the foster-uncle of Ḥafṣah. 'Ā'ishah asked : Apostle of Allah, if my foster-uncle had been alive, could he have come before me? He replied : Yes. Whatever is forbidden by foster-relations is also forbidden by real relations (by birth).[318]

(1231) 'Ā'ishah, Mother of the Believers, reported : My foster-uncle came to me and asked permission for coming in. I said I could not allow him except with the permission of the Apostle of Allah (may peace be upon him). When the Apostle of Allah (may peace be upon him) came, I asked him. He said : He is your uncle, allow him in. I said : Apostle of Allah, it was the woman who breast-fed me, not a man. He replied : He is thy uncle ; he will certainly come to thee. This conversation took place at the time when the verse regarding veil had already been revealed. 'Ā'ishah said : The relationships which are forbidden by blood are forbidden by fosterage.

(1232) 'Ā'ishah, Mother of Believers, reported that Aflaḥ, brother of Abul-Qu'ais, came to me, asking for permission, after the revelation of the verse relating to veil, and he was my foster-uncle. She said : I did not give him permission to enter. When the Apostle of Allah (may peace be upon him) came and I related to him what I had done, he ordered me to give him permission to enter.

318. Just as marriage is forbidden with (real) father, uncle or brother because of being *maḥram*, similarly it is inadmissible with foster-father, uncle or brother.

(1233) 'Abd Allah b. 'Abbās used to say that if a child under two years should even once suck the milk, the foster-relationship is established.

(1234) 'Amr b. Sharīd reported that 'Abd Allah b. 'Abbās was asked : If a man has two wives and one of them should suckle a boy and the other, a girl, could the boy marry the girl ? He replied : No, for the (foster) father of both is the same.

(1235) Nāfi' reported that 'Abd Allah b. 'Umar used to say : Fostership is that which relates to childhood within two years. After growth, there is no fostership

(1236) Sālim b. 'Abd Allah reported that when he was an infant 'Ā'ishah sent him to her sister Umm Kulthūm, daughter of Abū Bakr, so that if she should feed him ten times, he could come before her (without *purdah*). Sālim said : Umm Kulthūm fed me with milk only three times. After that I fell ill, hence I could not go before 'Ā'ishah for I had not sucked milk of Umm Kulthūm ten times.[319]

(1237) Nāfi' reported that Ṣafiyyah, daughter of Abū 'Ubaid, said that Ḥafṣah, Mother of the Believers, had sent 'Āṣim b. 'Abd Allah b. Sa'd, when he was an infant, to her sister Fāṭimah, daughter of 'Umar b. al-Khaṭṭāb, to feed him with her milk ten times so that when he should grow up he could come to her. Fāṭimah fed him with her milk and when 'Āṣim grew up she used to appear before him.

(1238) Qāsim b. Muḥammad reported that 'Ā'ishah, wife of the Prophet (may peace be upon him), used to appear before persons whom her sisters and nieces had fed with their milk and did not appear before those who were fed by her sisters-in-law.

(1239) Ibrāhīm b. 'Utbah reported that he enquired of Sa'īd b. al-Musayyab the rule obtaining in case of foster-relationship. Sa'īd said that foster-relationship within two years is established even if it be but a drop ; and that after two years it will not establish sanctity but would be like any other meal. Ibrāhīm b. 'Utbah said : I asked

319. The *'ulamā'* differ on this issue. Some say that suckling once or twice does not establish foster-relationship until the child is suckle ten times. Some, including Shāfi'ī and Aḥmad fix suckling at five times. But Abū Ḥanīfah and Mālik believe that fostership is established even by suckling a little less than five times.

again 'Urwah b. Zubair. He said what Sa'īd b. al-Musayyab had said.

(1240) Yaḥyā b. Sa'īd reported Sa'īd b. al-Musayyab as saying that foster-relationship is that which is formed in the cradle and leads to the formation of flesh and blood.

(1241) Ibn Shihāb used to say that milk-feeding, whether long or short, proves sanctity (of foster-relationship) and that it proceeds from the male side too.[320]

Chapter 365

FOSTER-RELATIONSHIP AMONG ADULTS

(1242) Ibn Shihāb was asked as to the order in case of a grown-up child drinking a woman's milk. He informed : 'Urwah b. Zubair told me that Abū Ḥudhaifah b. 'Utbah b. Rabī'ah, who was one of the Companions of the Apostle of Allah (may peace be upon him) and was with him at the Battle of Badr, had adopted Sālim as son and Sālim was called the freedman of Abū Ḥudhaifah, just as Zaid had been adopted by the Apostle of Allah (may peace be upon him). Abū Ḥudhaifah married Sālim to his niece, Fāṭimah, daughter of Walīd b. 'Utbah b. Rabī'ah, who was among the first who took flight from Mecca and was superior to all the widowed women of the Quraish. Then it was revealed by the Lord that Zaid b. Ḥārithah should be called the son of his own father ; Allah considers it better. All the adopted children then began to be called by the names of their fathers or paternal relationships. If the father's name was not known, they related themselves to their owners. Sahlah, daughter of Suhail, the wife of Abū Ḥudhaifah, who was of Banī 'Āmir b. Luwayy, approached the Apostle of Allah (may peace be upon him) and said : Apostle of Allah, we considered Sālim as our child. We used to be undressed and he would come in. What shall be done now ? We have not even another house. The Apostle of Allah (may peace be upon him) said : Suckle him five times and he would become your *maḥram*. Abū

320. Yaḥyā reported Imām Mālik as saying that duration of suckling, less or more, within two years, establishes the sanctity of foster-relationship and feeding the child after two years does not establish sanctity and is like feeding with ordinary meals.

Ḥudhaifah's wife acted accordingly and thought Sālim as her foster-son. 'Ā'ishah, Mother of the Believers, used to act in accordance with this tradition, and if she wanted any man to visit her, she would ask her sister Umm Kulthūm, daughter of Abū Bakr Ṣiddīq, or her nieces to feed him with their milk, but the other wives of the Prophet (may peace be upon him) disagreed that a person of advanced age should, by sucking milk, become their *maḥram* and visit them. They said that this was a special permission given by the Apostle of Allah (may peace be upon him) to Sahlah, daughter of Suhail. They would say : By the Lord, nobody can become our *maḥram* by such milk-feeding.[321]

(1243) 'Abd Allah b. Dīnār reported : A man came to 'Abd Allah b. 'Umar when I was with him at the court, *Dār al-Qaḍā'*, and asked the significance of a grown-up man being fed with the milk of a woman. 'Abd Allah b. 'Umar said : A man went to 'Umar b. al-Khaṭṭāb and said : I had a slave-girl with whom I used to cohabit. My wife has wilfully given her own milk to drink. When I was going to the girl, my wife said : Listen, I have, by Lord, fed her with my milk. 'Umar said : Punish your wife and cohabit with your slave-girl. Fostership is a feature of infancy (and not among grown-ups).

(1244) Yaḥyā b. Sa'īd reported that a man said to Abū Mūsā Ash'arī : I was sucking my wife's milk from her breast. It went into my stomach. Abū Mūsā Ash'arī said : I am of opinion that she has become forbidden to you. 'Abd Allah b. Mas'ūd said : Look at the decision given in regard to the man. Abū Mūsā said : What do you say ? 'Abd Allah b. Mas'ūd said : Fostership is that which takes place within two years. Abū Mūsā said : Do not enquire of me anything until this man of learning (i.e. 'Abd Allah b. Mas'ūd) is with you.

Chapter 366

SOME *AḤĀDĪTH* ON FOSTER-RELATIONSHIP

(1245) 'Ā'ishah, Mother of the Believers, reported that the Apostle of Allah (may peace be upon him) said : Whatever is for-

321. It is clear from this *ḥadith* that when an adult is fed milk by a woman, he becomes her *maḥram*. The first four Caliphs and some prominent *'ulamā'* did not act on this *ḥadith*. They also believed that that was an order specially in the case of Sahlah.

bidden by birth is forbidden by milk-feeding.

(1246) Judhāmah, daughter of Wahb al-Asadīyyah, reported : I heard the Apostle of Allah (may peace be upon him) saying : I had intended to prohibit cohabitation so long as the mother milk-feeds her infant, but I came to know that the people of Rome and Persia did so and it did not affect the offspring.

(1247) 'Ā'ishah, wife of the Prophet (may peace be upon him), said that the Qur'ān first commanded that sanctity is established by feeding with milk ten times.[322] Later this was abrogated and the act of breast-feeding was limited to five times. The Apostle of Allah (may peace be upon him) died and the people used to read it in the Qur'ān.

322. There is no mention of it in the Qur'ān.

XVI. KITAB AL-'ITQ WA'L-WALA'

Chapter 367

FREEING THE SLAVE AND THE RIGHT OF GUARDIANSHIP

(1248) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) said: He who forgoes his share out of a common slave and he has enough property to pay off the price of the slave, the price should be fixed and every partner paid in accordance with his share and the slave would be given freedom on his behalf and account. If he has no property, that portion alone of the slave would be free for which freedom has been granted.

(1249) Ḥasan b. Abū al-Ḥasan Baṣrī and Muḥammad b. Sīrīn reported that a man in the time of the Apostle of Allah (may peace be upon him) freed his six slaves at his death. The Apostle of Allah (may peace be upon him) cast lots and preserved the freedom of one-third.[323]

(1250) Rabī'ah b. Abī 'Abd al-Raḥmān reported that a man freed all his slaves in the time of the Caliphate of Abān b. 'Uthmān and he had no other property. At the order of Abān b. 'Uthmān, the slaves were divided into three parts and the slaves of that part that fell to the lot of the deceased were freed and those who fell to the lot of the heirs were handed over to them.

Chapter 368

WHO TAKES THE PROPERTY OF A SLAVE WHEN HE IS FREED

(1251) Ibn Shihāb said that the usual procedure is that when a

323. A sick dying man has authority over one-third only. The rest is the property of his successors.

slave is freed, his property remains his own.[324]

Chapter 369

ON *UMM WALAD* GETTING FREED AND ON THE RIGHT TO FREE HER

(1252) 'Abd Allah b. 'Umar reported that 'Umar b. al-Khaṭṭāb said: The slave-girl who begets from her owner and the owner does not sell her nor does he bestow her as a gift on anybody cannot fall to the share of the heirs, but that as long as he lives the owner enjoys her and when he dies, she becomes free.

(1253) Mālik reported that he learnt that a slave-girl went to 'Umar b. al-Khaṭṭāb and told him that she had been tortured by fire by her owner. 'Umar set her free.

Chapter 370

WHETHER IT IS RIGHT TO EMANCIPATE A SLAVE ON WHOSE ACCOUNT FREEING A SLAVE IS DUE

(1254) 'Umar b. Ḥakam [actually Mu'āwiyah b. Ḥakam] reported: I went to the Apostle of Allah (may peace be upon him) and said: Apostle of Allah, my slave-girl was pasturing sheep. When I went to her, I found a goat missing from the flock. I enquired of her and she said: A wolf has eaten it. I felt angry and, being after all a human, gave her a slap on the face. Have I to free a slave or shall I free her herself? He (the Apostle) asked her: Where is the Lord? She replied: On the sky. He asked her: What am I? She answered: Thou art the Apostle of Allah. The Apostle of Allah (may peace be upon him) said: Set her free.

(1255) 'Ubaid Allah b. 'Abd Allah b. 'Utbah b. Mas'ūd reported: A man from the Anṣār came to the Apostle of Allah (may peace be upon him) with a black slave-girl and said: Apostle of Allah, it is incumbent on me to set free a Muslim slave. Shall I set her free? If you

324. The property he acquired before his freedom and is with him is his property.

find that she is a believer, I shall set her free. The Apostle of Allah (may peace be upon him) asked her : Do you believe with certainty that there is no true god save the Lord ? She said : Yes. (He asked :) Do you believe with certainty that Muḥammad is the Messenger of God ? She said : Yes. He asked : Do you believe with certainty that after death is Resurrection ? She answered : Yes. Then the Apostle of Allah (may peace be upon him) said : Set her free.

(1256) Sa'īd b. Abū Sa'īd al-Maqburī reported that Abū Hurairah was asked : Could a man, for whom it is necessary to set free a slave, set free a bastard ? Abū Hurairah replied : Yes, you can.

(1257) Fuḍālah b. 'Ubaid al-Anṣārī, a Companion of the Apostle of Allah (may peace be upon him), reported that he was asked whether a man on whom the freeing of a slave has become incumbent should set free a bastard. He said : Yes.

Chapter 371

SLAVES WHO CANNOT BE SET FREE IN THE OBLIGATORY FREEING OF A SLAVE

(1258) Mālik reported that it reached him that 'Abd Allah b. 'Umar was asked whether a person could buy a slave on condition to set him free. He replied: No.[325]

Chapter 372

ON FREEING A SLAVE ON BEHALF OF A DEAD PERSON

(1259) 'Abd al-Raḥmān b. Abī 'Amrah Anṣārī reported that his mother intended to make a will but put it off until morning and died during the night. Her intention was to free a slave. 'Abd al-Raḥmān reported : I asked Qāsim b. Muḥammad whether any virtue will accrue to her if he set free a slave. Qāsim stated : Sa'd b. 'Ubādah told the Apostle of Allah (may peace be upon him) : My mother has died. If I set free a slave on her account, will she be benefited ? The Apostle of

325. To buy a slave on condition that one will set him free is prohibited.

Allah (may peace be upon him) said: Yes.

(1260) Yaḥyā b. Sa'īd stated that 'Abd al-Raḥmān b. Abū Bakr died in sleep. 'Ā'ishah, wife of the Prophet (may peace be upon him), freed many slaves on his account.

Chapter 373

ON FREEING SLAVES, ADULTERESS AND BASTARDS

(1261) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported: The Apostle of Allah (may peace be upon him) was asked freeing of which slave was meritorious. The Apostle of Allah (may peace be upon him) replied: The one whose price is heavy and who is held very dear by the owner.

(1262) 'Abd Allah b. 'Umar set free a bastard and his mother.

Chapter 374

WALĀ' (OFFSPRING OF A SLAVE) IS THE RIGHT OF ONE WHO EMANCIPATES

(1263) To 'Ā'ishah, wife of the Prophet (may peace be upon him), came Barīrah saying: My people have made *makatab* on nine ūqiyahs,[326] at the rate of one per year. You please help me. 'Ā'ishah said: If your people should agree, I shall pay the whole amount in lump sum but shall take thy *walā'*. Barīrah went to her folk, and asked. They refused to give *walā'*. He came back to 'Ā'ishah and the Apostle of Allah (may peace be upon him) was sitting there. She said: I told my people but they refuse and say that they will take the *walā'*. The Apostle of Allah (may peace be upon him) asked what the matter was. 'Ā'ishah recounted the whole affair. He told 'Ā'ishah: You take over Barīrah and give dart to those people, for *walā'* accrues to the person who sets free. 'Ā'ishah acted accordingly. Thereafter, the Apostle of Allah (may peace be upon him) went amongst those people and, while standing, praised the Lord and asked: What is the matter with the people that they impose conditions that are not to be

326. An ūqiyah is equal to forty dirhams.

found in the Book of Allah? Whatever condition is not to be found in the Book of Allah is invalid, even though it be imposed a hundred times. The command of the Lord is right and conditions are strong. *Walā'* accrues to the person who sets free.

(1264) 'Abd Allah b. 'Umar reported that 'Ā'ishah, Mother of the Believers, wanted to buy a slave and set her free. The people concerned said: We shall sell on condition that we get the *walā'*. 'Ā'ishah recounted the affair to the Apostle of Allah (may peace be upon him). He said: Thou wilt suffer no harm. *Walā'* goes to the person who sets free.

(1265) 'Amrah went to ask help of 'Ā'ishah, Mother of the Believers. 'Ā'ishah said: If your folk agree to take your price in lump sum from me and I should set you free, I agree. Barīrah told this to her people. They said: We will not sell except on condition that *walā'* shall accrue to us.

(1266) Mālik said; Yaḥyā b. Sa'īd said that 'Ā'ishah gave the Apostle of Allah (may peace be upon him) an account of all this. The Apostle of Allah (may peace be upon him) said: Do then purchase and set free. *Walā'* will accrue only to the party that sets free.

(1267) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) prohibited the sale or gifting of the offspring.[327]

Chapter 375

WHEN A SLAVE IS SET FREE, HE ATTRACTS THE *WALĀ'* TO HIMSELF

(1268) Rabī'ah b. 'Abd al-Raḥmān reported that Zubair b. 'Awwām bought a slave and set him free. The children of the slave were by a free woman. When Zubair set the slave free, he said that the slave's children are his freedmen and the people of their mother said that they were their freedmen. The matter was referred to 'Uthmān b. 'Affān who decided that the *walā'* was Zubair's.

327. During the days of Ignorance people used to sell or gift away the children of the slaves while setting them free. But the Holy Prophet (may peace be upon him) prohibited it.

(1269) Sa'īd b. al-Musayyab was asked: If the son of a slave be by a free woman, who will get the property of that son? Sa'īd b. al-Musayyab replied: If the son's father dies in a state of slavery, the property will accrue to the owner of the mother.

Chapter 376

INHERITANCE OF THE *WALĀ'*

(1270) 'Abd al-Malik b. Abū Bakr b. 'Abd al-Raḥmān b. Ḥārith b. Hishām reported that 'Āṣ b. Hishām died and left three sons, two of them by one mother and the third by another. One of the former died and left property and freed slaves. His heir was his own brother and he took the property and *walā'* of the slaves. He too died leaving a son and his step-brother. The son said: I have the sole right to my father's property and *walā'* of the freedmen. His brother said: This is not so. Thou art certainly inheritor of the property but not of *walā'*. Suppose thy first brother had died today, should I have been his heir or thou? They took the case to 'Uthmān b. 'Affān who conceded the *walā'* of the freedmen to the brother.[323]

(1271) 'Abd Allah b. Abū Bakr b. Ḥazm's father was sitting with Abān b. 'Uthmān when a few men of Juhainah and a few men of Banī Ḥārith b. Khazraj came quarrelling. The case was that a woman of Juhainah was married to Ibrāhīm b. Kulaib, a man of Banī Ḥārith b. Khazraj. The woman died and left property and freed slaves. Her husband and son became the heirs. The son then died. And now the heirs of the son said that *walā'* would accrue to them for the son of the woman had obtained possession of that *walā'*. The people of Juhainah said: It is not so. The *walā'* is our right for the slaves are the slaves of a woman of our family. When her son died, the *walā'* should accrue to us. Abān b. 'Uthmān granted *walā'* of the freedmen to the people of Juhainah.

(1272) Mālik said that it reached him that Sa'īd b. al-Musayyab said: The man who dies and leaves three sons and freed slaves and

328. I.e. "Because I am his step-brother and you are the son of the brother. In the presence of the brother, the *walā'* does not go to the nephew."

out of these three sons two die and leave children behind, the third brother will be the inheritor of the *walā'* of the freedmen. After his death, his children and the children of the two brothers will be equal sharers in the *walā'* of the freedmen.

Chapter 377

THE INHERITANCE OF A *SĀ'IBAH* (FREED SLAVE) AND THE *WALĀ'* OF THE SLAVE WHOM A JEW OR A CHRISTIAN SETS FREE

(1273) Mālik asked Ibn Shihāb the significance of *sā'ibah*[329] or freed slave whose owner should have declared that his *walā'* will accrue to none but his own heirs. He said that a *sā'ibah* is free and can build up connection with anybody he likes. If he dies and does not enter into relationship with anybody, his inheritance will go to the Muslims. If he incurs harm, they will give the ransom too.

329 *Sā'ibah* means free. Here it refers to the slave who is freed and is told that his *walā'* is nobody's right.

XVII. KITĀB AL-MUKĀTAB

Chapter 378

ORDERS REGARDING *MUKĀTAB*[330]

(1274) 'Abd Allah b. 'Umar used to say that *mukātab* will continue as a slave until he owes anything of the bond (*badl-i-kitābat*).

(1275) 'Urwah b. Zubair and Sulaimān b. Yasār said: *Mukātab* remains a slave until aught remains of the bond.

(1276) Ḥumaid b. Qais Makkī reported that a *mukātab* of Ibn Mutawakkil died at Mecca and a balance from his bond was due from him. He also owed some debt. He left a daughter. The Governor of Mecca found it difficult to decide the case. He referred it to 'Abd al-Malik b. Marwān. 'Abd al-Malik wrote in reply: First pay off the debts and thereafter pay whatever remains unpaid of the bond. Whatever then remains may be paid to the daughter and the master.[331]

Chapter 379

ABOUT *QAṬĀ'AH*[332]

(1277) Umm Salamah, wife of the Holy Prophet (may peace be upon him), used to do *qaṭā'ah* with her *mukātabs* in gold and silver.

Chapter 380

ON THE EARNINGS OF THE *MUKĀTAB*

(1278) Mālik reported that it reached him from 'Urwah b. Zubair

330. *Mukātab* means a slave under contract with his master that he would pay a certain amount within a certain period as the price of himself and on payment of that amount he would be free. The amount fixed as the price of freedom is called *badl-i-kitābat*.

331. In equal shares: half to the daughter and half to the master.

332. *Qaṭā'ah* means that the master agrees to accept some cash from the slave instead of what is stipulated in the bond, so that he could secure his release early.

and Sulaimān b. Yasār that they were asked: If a man should have become a *mukātab* of himself and of his sons and then dies, would his sons toil and moil to pay off the amount set in the bond or continue to be slaves? They answered that they would endeavour in connection with the bond of their father whose death will not reduce the amount stipulated.[333]

Chapter 381

THE *MUKĀTAB* PAYING OFF INSTALMENTS EARLIER EARNS FREEDOM

(1279) Mālik said that he heard Rabī'ah b. Abī 'Abd al-Raḥmān and others reporting that there was a *mukātab* of Furāfiṣah b. 'Umair al-Ḥanafī who brought the full commutation amount before the completion of the stipulated period. Furāfiṣah refused to accept it. The *mukātab* went to Marwān b. al-Ḥakam who was the Governor of Medina and submitted his case. Marwān sent for Furāfiṣah b. 'Umair and asked him to take the commutation amount, but he still refused. Marwān ordered that the amount should be taken from the *mukātab* and kept in the *Bait al-Māl* and told the *mukātab*: Go, you are free. When Furāfiṣah saw the state of affairs, he took over the amount.

Chapter 382

ABOUT THE PROPERTY OF A *MUKĀTAB* AFTER HIS FREEDOM

(1280) Mālik reported that it reached him from Sa'īd b. al-Musayyab that he was asked: A *mukātab* is the slave jointly of two persons, one of whom sets him free from his portion. The *mukātab* then dies, leaving a large property. Sa'īd said that the commutation amount of the man who did not set him free will be paid first and the balance would be divided equally between the two.

333. Mālik said: If the sons of the *mukātab* are minors and are incapable of doing any work, they will become the slaves of their father's master. But in case a *mukātab* leaves sufficient property to pay off instalments up to the time they attain puberty, one has to wait till they attain puberty. If then they pay the amount, they will be free; if not, they will continue as slaves.

XVIII. KITĀB AL-MUDABBIR

Chapter 383

COHABITATION WITH A SLAVE-GIRL AFTER DECLARING HER *MUDABBIR*[334]

(1281) Nāfi' reported that 'Abd Allah b. 'Umar had declared his slave-girls *mudabbir* and used also to cohabit with them.

(1282) Yaḥyā b. Sa'īd reported from Sa'īd b. al-Musayyab that if anyone declares his slave-girl as *mudabbir*, he can do *waṭl* with her, but cannot sell or gift her away. Her children will also be like her mother in status.

Chapter 384

IF A *MUDABBIR* INJURES ANYONE

(1283) Mālik said that it reached him that 'Umar b. 'Abd al-'Azīz decided that if a *mudabbir* should inflict an injury on anybody, the owner should hand him over to the one injured who would extract service from him in compensation of the injury, and if the compensation be fully paid and the owner be alive, the *mudabbir* will go back to his owner.

Chapter 385

IF AN *UMM WALAD* INJURES ANYONE

(1284) Mālik said that it reached him that 'Umar b. al-Khaṭṭāb or 'Uthmān b. 'Affān gave the decision that if a woman who deceitfully says that she is free, and then marries and bears children and thereafter she be detected as the slave-girl of somebody, the husband can give to the owner slaves and slave-girls similar to his children and get his children free.

334. *Mudabbir* is that slave or slave-girl whom the master declares free after his death.

XIX. KITAB AL-BUYU‘

Chapter 386

ON SALE OF *‘URBĀN*[335]

(1285) ‘Amr b. al-‘Āṣ reported that the Apostle of Allah (may peace be upon him) prohibited the sale of *‘urbān*.

Chapter 387

WHO IS ENTITLED TO THE PROPERTY OF A SLAVE OR SLAVE-GIRL AT THE TIME OF SALE

(1286) ‘Abd Allah b. ‘Umar reported that ‘Umar b. al-Khaṭṭāb said that if a slave having property should be sold, the property will be that of the owner, unless the buyer should have made it a condition that the property along with the slave would be his.

Chapter 388

THE LIMIT OF THE RESPONSIBILITY OF THE SELLER IN THE SALE OF A SLAVE OR SLAVE-GIRL

(1287) ‘Abd Allah b. Abū Bakr b. Muḥammad b. ‘Amr b. Ḥazm reported that Abān b. ‘Uthmān and Hishām b. Ismā‘īl both preached in their sermons that the responsibility for the explanation of any defect or drawback in a slave rests with the seller for three days from the date of the sale and another kind of responsibility extends

335. According to Mālik, it means that a person purchases a slave or a slave-girl or hires a beast and then tells the seller : I give you one dīnār or less than one dīnār more on condition that if I buy this slave or slave-girl the dīnār would be accounted towards the sale price. Likewise if I ride the beast it will be considered as his. If, however, I return the slave or slave-girl to you or if I do not ride the beast, the dīnār would be yours ; I would not take it back.

over a year.[336]

Chapter 389

ON DEFECT IN A SLAVE OR SLAVE-GIRL

(1288) Sālim b. 'Abd Allah reported that 'Abd Allah b. 'Umar sold a slave for 800 dirhams and laid down the condition that he (the seller) would not be responsible for any defect or drawback. Afterwards there arose a dispute between the two regarding a disease of the slave which the purchaser alleged was not stated by the seller. The case went up to 'Uthmān b. 'Affān who asked 'Abd Allah b. 'Umar to swear that when he sold the slave he was not aware of the existence in the slave of that disease. 'Abd Allah refused to take the oath. The slave was returned to 'Abd Allah and was cured of the disease. 'Abd Allah then sold him for 1500 dirhams.

Chapter 390

ON THE CONDITIONAL SALE OF A SLAVE-GIRL

(1289) 'Ubaid Allah b. 'Abd Allah b. 'Utbah b. Mas'ūd reported that 'Abd Allah b. Mas'ūd bought a slave-girl from his wife Zainab Thaqafiyyah. His wife sold the slave-girl on condition that if he ever wanted to sell her, she should have the first option of purchasing the girl for the price paid. 'Abd Allah b. Mas'ūd referred the matter to 'Umar b. al-Khaṭṭāb. 'Umar b. al-Khaṭṭāb said: Do not cohabit with the slave-girl to whom a condition is attached.

(1290) 'Abd Allah b. 'Umar used to say that a man should not cohabit with a slave-girl, except with one whom he could sell if he desired and give in gift if he desired or keep for himself if he desired or do with her as he desired.

336. Mālik said: The purchaser can cancel the transaction within three days if the slave or slave-girl is found suffering from any disease or for any other defect.

The purchaser can return him or her to the seller within a period of a year if he discovers him or her to have developed insanity, or leprosy or benedermy.

Chapter 391

COHABITING WITH A SLAVE-GIRL WHO HAS A HUSBAND IS NOT PERMISSIBLE

(1291) Ibn Shihāb reported that 'Abd Allah b. 'Āmir presented to 'Uthmān b. 'Affān a slave-girl but she had a husband. 'Abd Allah had purchased her at Baṣrah. 'Uthmān said that he would not cohabit with her until her husband left her. 'Abd Allah made the husband agree to leave her and he left her.

(1292) Abī Salamah b. 'Abd al-Raḥmān b. 'Auf reported that 'Abd al-Raḥmān b. 'Auf bought a slave-girl and found that she had a husband and so sent her back.

Chapter 392

FRUIT IS EXCLUDED FROM THE SALE OF A TREE

(1293) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) declared that if a man sold a pollinated date tree, the fr' it would belong to the seller unless there is a contract to the contrary.

Chapter 393

THE SALE OF FRUIT IS PROHIBITED BEFORE BEING DEFINITE ABOUT THE OUTPUT

(1294) Ibn 'Umar reported that the Apostle of Allah (may peace be upon him) prohibited the sale of fruit until its ripeness and quantity were assured.

(1295) Anas b. Mālik reported that the Apostle of Allah (may peace be upon him) prohibited the sale of fruit until it should get fine colour. They asked: Apostle of Allah, what does "fine-coloured" signify? He replied that when they should get red or yellow. The Apostle of Allah (may peace be upon him) also said: Do you not see that if Allah prevented them from getting ripe, against what would any of you be able to get the property of his brother?

(1296) 'Amrah, daughter of 'Abd al-Raḥmān, reported that the

Apostle of Allah (may peace be upon him) prohibited the sale of fruit until risks were passed.[337]

(1297) Zaid b. Thābit would not sell his fruit until the Milky Way appeared.[338]

Chapter 394

CONCERNING SALE OF *'ARĪYYAH'*[339]

(1298) Zaid b. Thābit reported that the Apostle of Allah (may peace be upon him) permitted owner of an *'arīyyah* the sale of his fruit in lieu of the estimated unripe fruit.[340]

(1299) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) permitted the sale of *'arīyyahs*, provided the measure was less than five wasqs. Dāwūd was doubtful whether it was five wasqs or less than five wasqs.[341]

Chapter 395

CONCERNING DISASTER IN THE SALE OF FRUIT AND (GRAIN) FIELDS

(1300) 'Amrah, daughter of 'Abd al-Raḥmān, reported that in the time of the Apostle of Allah (may peace be upon him), a man bought the fruit of a garden and took himself to manage it. But a calamity damaged the produce. He approached the owner of the garden with the request either to reduce the amount or annul the sale. The owner, however, swore that he would never do that. The mother of the purchaser went to the Apostle of Allah (may peace be upon him)

337. Mālik said that the sale of fruit before determining its output is unreliable and the Holy Prophet (may peace be upon him) prohibited such a transaction.

338. When Milky Way appears in the morning, there is no danger of their destruction.

339. *'Ariyyah*—to give one or two (fruit) trees to any destitute person, but his visits to the garden are a source of inconvenience and to take back the fruit of the trees in lieu of dry fruit in equal quantity

340. That is to make an estimate of the fruit which the trees would yield It is considered permissible to sell the same for an equal quantity of dry fruit.

341. A wasq is equal to 60 ṣā. Mālik said the estimate of *'ariyyah* can be made (of the fruits) on the trees, and the Holy Prophet (may peace be upon him) made it permissible.

and narrated the facts. The Apostle of Allah (may peace be upon him) asked : Has the man sworn not to do this good turn? When the owner of the garden heard, he came to the Apostle of Allah (may peace be upon him) and said : Apostle of Allah, whatever he says is acceptable to me.

(1301) Mālik reported that it reached him that 'Umar b. 'Abd al-'Azīz ordered that the buyer should be compensated when a field or fruit suffers a loss.[342]

Chapter 396

CONCERNING EXEMPTING CERTAIN FRUITS AND DRY FRUITS PROM SALE

(1302) Rabī'ah b. Abū 'Abd al-Raḥmān reported that Qāsim b. Muḥammad used to sell the fruit of his garden and retain some for himself.

(1303) 'Abd Allah b. Abū Bakr reported that the grandfather of Muḥammad b. 'Umar b. Ḥazm sold the fruit of his garden called Afraq for 4000 dirhams retaining 800 dirhams worth of dates.

(1304) Muḥammad b. 'Abd al-Raḥmān b. Ḥārithah reported that his mother 'Amrah, daughter of 'Abd al-Raḥmān, used to sell fruit and retain some.

Chapter 397

SALE OF DATES WHICH IS *MAKRŪH*

(1305) 'Aṭā' b. Yasār reported that the Apostle of Allah (may peace be upon him) declared : Sell dates for dates in equal measure. A person said : Apostle of Allah, your administrator at Khaibar takes one ṣā' in lieu of two. The Apostle of Allah (may peace be upon him) summoned him, and he was sent for. The Apostle of Allah (may peace be upon him) asked him : You give two ṣā's of dates in lieu of one. He said : One ṣā' of good dates does not equal one ṣā' of bad dates. The

342. Mālik agreed with the view but said that compensation would be due if the loss amounts to one-third or more, but if the loss is less, there is no justification for compensation.

Apostle of Allah (may peace be upon him) said : Do not do that. First sell bad dates for cash (dirhams) and then buy good dates with cash.

(1306) Abū Sa'īd al-Khudrī and Abū Hurairah reported that the Apostle of Allah (may peace be upon him) appointed a man as administrator of Khaibar. He came to him with some fine dates. The Apostle of Allah (may peace be upon him) asked: Are all dates of Khaibar of such good quality ? He answered: No, by Allah, Apostle of Allah. We buy one ṣā' of these with two or three ṣā's of our dates. The Apostle of Allah (may peace be upon him) instructed : No, do not do that. First sell bad dates for cash and then buy good dates with cash (dirhams).

(1307) Zaid Abū 'Ayyāsh reported that he asked Sa'd b. Abī Waqqāṣ: Can we sell barley in exchange for *ṣalt*?[343] Sa'd replied: Which is the better grain? He answered : Barley. He then prohibited him from doing so. Sa'd said : I heard the Apostle of Allah (may peace be upon him), who asked people how it was to sell dry dates in exchange with fresh dates. He further said that the weight of fresh dates decreases when they dry up. They said: Yes. He prohibited the transaction.

Chapter 398

MUZĀBANAH AND *MUḤĀQALAH*

(1308) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) prohibited *muzābanah*, and *muzābanah* is the sale of fruit, dates or grapes on the tree, against dry dates in equal measure.

(1309) Abū Sa'īd Khudrī reported that the Apostle of Allah (may peace be upon him) prohibited *muzābanah* and *muḥāqalah*. *Muḥāqalah* means the sale of a field of wheat against dry wheat and the taking on rent of land against wheat.

(1310) Sa'īd b. al-Musayyab reported that the Apostle of Allah

343. A kind of grain.

(may peace be upon him) prohibited *muzābanah* and *muḥāqalah* which are the sale of fruit against dates and the sale of field of wheat and the taking of rent of land against wheat, respectively.

Chapter 399

CONCERNING SALE OF GOLD AND SILVER, BOTH MINTED AND UNMINTED

(1311) Yaḥyā b. Sa'īd reported that the Apostle of Allah (may peace be upon him) ordered the two Sa'ds[344] to sell off all gold and silver plates obtained in booty. They sold three plates for four or four for three.[345] The Apostle of Allah (may peace be upon him) told them: You have taken interest. Annul the sales.

(1312) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) declared: Sell one dīnār for one dīnār and one dirham for one dirham and not more.

(1313) Abū Sa'id Khudri reported that the Apostle of Allah (may peace be upon him) declared: Do not sell gold for gold but for equal weight and do not enhance value and do not sell silver for silver but for equal weight and do not enhance value, neither sell for cash on credit.

(1314) Mujāhid reported: I was with 'Abd Allah b. 'Umar when a goldsmith came and said: O Abā 'Abd al-Raḥmān, I make ornaments of gold and then sell them for a greater weight, and this increase is on account of my labour. 'Abd Allah b. 'Umar prohibited him from doing so. The goldsmith went on repeating and 'Abd Allah b. 'Umar kept on prohibiting until 'Abd Allah b. 'Umar arrived at the gate of the mosque or came to mount his animal. 'Abd Allah b. 'Umar said: Sell dīnār for dīnār and dirham for dirham and do not charge more. This was the parting advice of the Prophet (may peace be upon him) to us and our parting advice to you.

(1315) Mālik b. Abī 'Āmir reported that 'Uthmān b. 'Affān

344. Viz. Sa'd b. Abī Waqqāṣ and Sa'd b. 'Ubādah.

345. That is, they received dīnārs equal in weight to four plates for three plates or equal to the weight of three plates for four plates.

narrated that the Apostle of Allah (may peace be upon him) said: Do not sell one dīnār for two dīnārs or one dirham for two dirhams.

(1316) 'Aṭā' b. Yasār reported that Mu'āwiyah b. Abū Sufyān sold a utensil of gold or silver meant for drinking water for value that was greater than the same weight of gold or silver. Abū Dardā' told him: I heard the Apostle of Allah (may peace be upon him) prohibiting this and thought sale of equal weight only proper. Mu'āwiyah said: I think that there is no harm in this. Abū Dardā' said: Who will listen to my reason if I should make Mu'āwiyah pay for this. I am telling him a *ḥadīth* of the Apostle of Allah (may peace be upon him) and he expresses his own opinion. I shall not remain in your country. [Mu'āwiyah was at the time administrator of Syria.] Abū Dardā' then arrived at Medina and recounted the story to 'Umar b. al-Khaṭṭāb. 'Umar wrote to Mu'āwiyah: Do not make such transaction again, but transact like for like and weight for weight.

(1317) 'Abd Allah b. 'Umar reported that 'Umar b. al-Khaṭṭāb said: Do not sell gold for gold but like for like, do not make an increase of one over the other; do not sell silver for silver but like for like and do not make increase of one over the other. Do not sell silver for gold in such a way that while one transaction is for cash the other is for promise (credit). Do not give as much time as you would need to go inside the house and come out again. I fear you (are involved) in interest.

(1318) Mālik reported that it reached him from Qāsim b. Muḥammad that 'Umar b. al-Khaṭṭāb said: A dīnār for dīnār and a dirham for a dirham, a ṣā' for a ṣā'. Do not sell cash for credit.

(1319) Abū Zinād reported that he heard Sa'īd b. al-Musayyab saying: There is no interest but in gold and silver or in things of consumption sold by weight and measure.

(1320) Yaḥyā b. Sa'īd reported that he heard Sa'īd b. al-Musayyab saying that the cutting of gold and silver[346] is creating disturbance in the land.

346. The Islamic gold or silver coins should not be cut without utter necessity; it is repugnant.

Chapter 400

ON GOLD AND SILVER EXCHANGE

(1321) Mālik b. Aus b. Ḥadthān al-Naṣrī reported : I had need for changing one hundred dīnārs into dirhams. He said : Ṭalḥah b. 'Ubaid Allah sent for me. We agreed on it (barter of gold and silver for gold and silver). He took gold from me and turned it over in his hands and said : Wait until my cashier arrives from Ghabah.[347] 'Umar b. al-Khaṭṭāb heard of this and declared : By Lord, do not leave him until you take money from him. He then said : The Apostle of Allah (may peace be upon him) had said that the exchange of gold for silver is *ribā* except when it is a cash transaction, the selling of wheat for wheat is *ribā* except when it is a cash transaction, and the selling of dates for dates is *ribā* unless it is a cash transaction, the selling of barley for barley is *ribā* except when it is a cash transaction and the selling of salt for salt is *ribā* except when it is a cash transaction.

Chapter 401

MURĀṬALAH : TO SELL GOLD IN EXCHANGE FOR GOLD AND TO SELL SILVER IN EXCHANGE FOR SILVER

(1322) Mālik reported that Yazīd b. 'Abd Allah b. Qusaiṭ saw Sa'īd b. al-Musayyab weighing gold for gold. He kept his gold in one scale of the balance while his companion placed his gold in the other. When it was equally balanced, he took the other's gold and gave him his own.

Chapter 402

ON *AL-'ĪNAH*[348] SALE AND SALE OF ARTICLES OF FOOD UNTIL THESE ARE IN ONE'S POSSESSION

(1323) 'Abd Allah b. 'Umar reported that the Apostle of Allah

347. A village near Medina.

348. *Bai' al-'inah* is to sell a thing on credit for a fixed period of time. The seller then repurchases the thing from the purchaser at a reduced price against cash payment. This kind of transaction is usurious and is considered by Abū Ḥanīfah, Mālik and Aḥmad as *harām*.

(may peace be upon him) said : A person who has bought grains should not sell them until he has obtained their possession.

(1324) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) declared : A man who purchases grain should not sell it until he has obtained possession of it.

(1325) 'Abd Allah b. 'Umar said : We used to buy grain during the time of the Apostle of Allah (may peace be upon him). He (the Prophet) would send a man to us who ordered us to take away the grain from the place of purchase to another place before its sale.

(1326) Nāfi' reported that Ḥakīm b. Ḥizām bought grain which 'Umar b. al-Khaṭṭāb had given to the people. Ḥakīm b. Ḥizam sold the grain before taking its possession. When 'Umar b. al-Khaṭṭāb heard of this, he had the grain returned and told him : Do not sell the grain that you bought until you obtain possession of it.

(1327) It reached Mālik that during the time of Marwān b. Ḥakam, people obtained permits for grain of Jār.[349] The people sold permits to one another prior to having obtained possession of the grain. Zaid b. Thābit and another Companion of the Apostle of Allah (may peace be upon him) went to Marwān b. Ḥakam and asked him : O Marwān, do you consider interest to be valid ? He said : I seek refuge in Allah. What is it ? They told him : Here are the permits which people have purchased and resold before obtaining possession of the grain. Marwān sent guards to seize the permits in their possession and deliver them back to the permit-holders.[350]

(1328) It reached Mālik that a man wanted to buy grain on credit from another. The seller took the purchaser to the market and showed him the stocks and asked what grain he wished to buy. The purchaser asked : Do you sell that to me which you yourself do not have in possession ? The two then went to 'Abd Allah b. 'Umar and reported the matter to him. 'Abd Allah b. 'Umar told the buyer : Do not sell that which you do not have.

349. The name of a place where the stock of grain was kept for distribution. Marwān b. Ḥakam, during Mu'āwiyah b. Abī Sufyān's regime, was employed on the six-monthly or yearly distribution of grain to people. Grain was issued to permit-holders on presentation of the permit.

350. It is within the right of the permit-holders to sell the permit, but one who purchases the permit should not sell it again unless he obtains possession of the grain.

(1329) Jamīl b. ‘Abd al-Raḥmān al-Mu’adhdhin told Sa‘īd b. al-Musayyab: I buy these grains from people at (the port of) Jār, and then sell them to people on credit. Sa‘īd said: Do you desire to pay from the foodgrains that you have bought? He said: Yes. He prohibited him from doing so.

Chapter 403

ON THE REPUGNANCE OF SELLING FOODGRAINS ON CREDIT FOR A FIXED PERIOD OF TIME

(1330) Abū Zinnād reported that he heard Sa‘īd b. al-Musayyab and Sulaimān b. Yasār prohibiting people from selling wheat in lieu of gold on credit for a fixed period of time, and then taking dates instead of gold.

(1331) Kathīr b. Farqad asked Abū Bakr b. Muḥammad b. ‘Amr b. Ḥazm: Can a man sell grain for gold on credit for a fixed period of time and before realising his gold buy dates instead? He thought it repugnant and prohibited him to do so.

(1332) Ibn Shihāb reported to the same effect.

Chapter 404

ON SALE AGAINST ADVANCE PAYMENT (*SULFAH*)[351]

(1333) ‘Abd Allah b. ‘Umar said: There is no harm if a person enters into a transaction with another man in grain on known rates at a stipulated period as known provided it is not concerned with cultivation whose quality is not known or is not concerned with dates whose quality is not known.

Chapter 405

WHEN GRAIN IS SOLD ON BARTER, THE QUANTITY OF BOTH SHOULD BE EQUAL IN WEIGHT

(1334) Sulaimān b. Yasār said that the fodder for the ass of Sa‘d

351. *Sulfah* sale means that the purchaser pays in cash to the seller and fixes a certain time for the finalisation of the transaction, e.g. in lieu of Rs. 10 a certain amount of wheat is promised. He pays Rs. 10 in cash and the time for delivery is fixed at one month.

b. Abī Waqqāṣ exhausted. He asked his slave to take wheat from the house and obtain barley of equal weight, not more.

(1335) Mālik reported that it reached him that Qāsim b. Muḥammad reported that Ibn Mu'aiqīb al-Dausī reported likewise.

(1336) Sulaimān b. Yaṣār reported: The animal fodder of 'Abd al-Raḥmān b. Aswad b. 'Abd Yaghūth had exhausted and he asked his slave to take wheat from the house and bring barley in equal measure.[352]

Chapter 406

VARIOUS PROBLEMS ARISING OUT OF SALE OF GRAIN

(1337) Muḥammad b. 'Abd Allah b. Abū Maryam asked Sa'īd b. al-Musayyab: I buy grain permits of Jār. Sometimes I buy them for one dīnār and half dirham. Should I give back grain to the value of half dirham? Sa'īd said: No, give one dirham and take grain for whatever is left.

(1338) Mālik reported that it reached him from Muḥammad b. Sīrīn. He used to say: Do not sell corn until its ears are ripe.

Chapter 407

HOARDING OF GRAIN (WITH A VIEW TO SELLING IT AT THE TIME OF SCARCITY)

(1339) It reached Mālik that 'Umar b. al-Khaṭṭāb said: Nobody should hoard grain in our market. People who have more money than they need should not buy any corn that comes to our country for stocking and selling at higher rates. Persons who endure the trouble of bringing grain to us in winter and summer shall be the guests of 'Umar. If God wills, they may sell or if God wills they may stock them.

352. Mālik said, it is in order to sell wheat in lieu of wheat and dates for dates, wheat for dates, dates for grapes on cash payment and not on credit for a fixed period. Similarly, to change those things which are eaten with bread with one another is admissible provided payment is made in cash.

(1340) Sa'īd b. al-Musayyab reported that 'Umar b. al-Khaṭṭāb passed by Ḥāṭib b. Abī Balta'ah who was selling raisins in the market. 'Umar b. al-Khaṭṭāb told him: Either enhance your rate or get away from our market.[353]

(1341) Mālik reported that it reached him that 'Uthmān b. 'Affān used to prohibit hoarding and cornering (grains).

Chapter 408

TO SELL ANIMAL FOR ANIMAL AND TO SELL ANIMAL ON CREDIT

(1342) Ḥasan b. Muḥammad b. 'Alī b. Abī Ṭālib reported that 'Alī b. Abī Ṭālib sold his camel, named 'Usaifir, in return for twenty camels (on credit).

(1343) Nāfi' reported that 'Abd Allah b. 'Umar bought a she-camed in exchange for four camels and arranged that those four camels should be delivered to the owner at Rabdhah.

(1344) Mālik asked Ibn Shihāb whether it was proper to sell one animal in lieu of two at a future appointed time. He replied that there was no harm.[354]

Chapter 409

SALE OF WHICH ANIMAL IS PROPER

(1345) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) prohibited the sale of *ḥabal al-ḥabalah.*[355] This sale was prevalent among the people during the Days of Ignorance. A she-camel was bought with the stipulation that the price would be paid when the she-camel should bear a young one and that young one again bears its own offspring.

353 Ḥāṭib was selling raisins at a much low price with the intention of putting his competitor to loss. Ḥaḍrat 'Umar did not consider it proper.

354. Mālik said that there is no harm in exchanging a camel for a camel. Similar is the case of exchanging a camel and some money with a camel.

355. *Ḥabal al-ḥabalah* means that the she-camel of a person be pregnant and he tells to someone that he sells him its offspring's offspring.

(1346) Sa'īd b. al-Musayyab said that there was no issue of interest in animals but that three kinds of transactions in animals are improper: (*a*) of *maḍāmīn*, i.e. those that are in the wombs of their mothers ; (*b*) of *malāqīḥ*, i.e. those that are in the backs of males; (*c*) of *ḥabal al-ḥabalah*, i.e. those prevalent among people in Ignorance.

Chapter 410

TO SELL AN ANIMAL IN EXCHANCE FOR MEAT

(1347) Sa'īd b. al-Musayyab reported that the Apostle of Allah (may peace be upon him) prohibited the sale of animals in return for meat.

(1348) Dāwūd b. Ḥuṣain reported that he heard Sa'īd b. al-Musayyab saying that it was a gamble of the people of pagan times to sell meat in return for one or two sheep.

(1349) Abū Zinnād reported that Sa'īd b. al-Musayyab said tha' it was prohibited to sell an animal in lieu of meat. Abū Zinnād said I asked Sa'ıd b. al-Musayyab whether a man can buy a camel in change for ten sheep. He replied: If it is for purposes of slaughter ı is not proper. Abū Zinnād said that he found all learned men prohibiting the sale of animals in exchange for meat. Abū Zinnād said that in the days of Abān b. 'Uthmān and Hishām b. Ismā'īl, such prohibitions were laid down in official commands.[356]

Chapter 411

SALE OF DOGS

(1350) Abū Mas'ūd Anṣārī reported that the Apostle of Allah (may peace be upon him) prohibited taking the price of a dog from the money of an adulteress and the income of a man who predicts things from omens, that is the money by a harlot for adultery and

356. Because if it is purchased for slaughtering, the purchaser's thoughts would be divided more towards the meat the animal would yield, as if the meat is purchased in exchange for the animal.

the man paid for purpose of proceeding to an augur.[357]

Chapter 412

BAI' SALAF AND SALE OF GOODS IN EXCHANGE FOR GOODS

(1351) It reached Mālik that the Apostle of Allah (may peace be upon him) prohibited *bai' salaf* and exchange of goods with goods.[358]

Chapter 413

SALE OF GOODS ON ADVANCE PAYMENT

(1352) Qāsim b Muḥammad reported that he heard a man asking 'Abd Allah b. 'Abbās whether a man purchases clothes against advance payment and desires to sell them before obtaining possession. Ibn 'Abbās said that that was sale of silver against silver and is a repugnant act.

Chapter 414

PROHIBITION OF TWO SALES WITHIN A SALE

(1353) It reached Mālik that the Apostle of Allah (may peace be upon him) prohibited two sales within a sale.[359]

(1354) It reached Mālik that a person told another to buy a camel for him for cash and that he would buy it from him at an appointed time on credit. 'Abd Allah b. 'Umar considered it a bad kind of transaction and prohibited it.

(1355) Qāsim b. Muḥammad was asked about the case of a man who purchased a thing for ten dinārs on cash or for fifteen dinārs at an appointed date on credit, and he considered it bad business and

357. Mālik said he considers the price of every kind of dog inadmissible whether it is a hunting dog or otherwise, because the Holy Prophet (may peace be upon him) had prohibited to receive price of dogs.

358. Mālik said that this means that a person says to another that he takes his goods on *salaf*. This is not allowed.

359. It means that the seller tells the buyer : I shall sell this cloth to you for Rs. 10 for cash or for Rs. 15 on credit.

prohibited it.

Chapter 415

THE DECEPTIVE SALE

(1356) Sa'īd b. al-Musayyab reported that the Apostle of Allah (may peace be upon him) prohibited deceptive sale.[360]

Chapter 416

ON *MULĀMASAH* AND *MUNĀBADHAH*[361]

(1357) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) prohibited the sale by *mulāmasah* or *munābadhah*.

Chapter 417

SALE IN WHICH SELLER AND PURCHASER HAVE OPTION

(1358) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) declared that the seller and the buyer have equal right or option (of annulling the transaction) until they separate except where there is the condition of *khiyār*, i.e. mutual approval.[362]

(1359) Mālik reported that 'Abd Allah b. Mas'ūd said that the Apostle of Allah (may peace be upon him) declared that if there arose difference between the seller and the buyer, the word of the seller would be trustworthy or the transaction would be annulled.

360. Mālik explained this kind of sale thus : A man lost his animal or his slave ran away, the value of each being fifty dīnārs. A man comes and offers him to purchase the animal or the slave for twenty dīnārs. If he finds the animal or the slave the seller suffers a loss of thirty dīnārs and if he fails to find them the purchaser will suffer a loss of twenty dīnārs.

361. According to Mālik, *mulāmasah* is purchase of cloth by touch, neither by examining it from inside nor seeing it in light. *Munābadhah* is throwing off cloth by the seller towards the buyer and the buyer throwing off cloth back towards the seller.

362. That at the time of the transaction the seller or the buyer imposes a condition that he is entitled within a specified period of annulling the transaction. If then they separate, their rights will not be annulled.

363. A place midway between Mecca and Ṭā'if.

Cyapter 418

ABOUT INTEREST ON LOAN

(1360) Abū Ṣāliḥ, freedman of Saffāḥ said: I sold my cloth to the people of Nakhlah[363] on credit payable at a certain time. When I intended to proceed to Kūfah, those people said: If you decrease the price, we shall pay you immediately. I then referred the matter to Zaid b. Thābit who said: I cannot give you permission to use this money or let it be used.[364]

(1361) A man asked 'Abd Allah b. 'Umar about a time loan, the debtor asking for a reduction in the amount of the loan in return for down payment and the creditor agreeing to it. 'Abd Allah b. 'Umar considered it repugnant and prohibited to it.[365]

(1362) Zaid b. Aslam reported that interest in pagan times was of this nature. When a person owed money to another man for a certain period and the period expired, the creditor would say: You pay me the amount or pay the interest. If he paid the amount, it was well and good, otherwise the creditor increased the loan amount and extended the period for payment again.[366]

Chapter 419

ON PROBLEMS CONNECTED WITH LOANS

(1363) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) declared it an act of cruelty that a rich man should delay payment of his debt. And when the loan due from the rich man is transferred to some one of you, it should be accepted.

(1364) Mūsā b. Maisarah heard a man asking Sa'īd b. al-Musayyab: I sell in payment of my debts. Sa'īd said: Sell only what is in your

364. Before the expiry of the date fixed for payment.

365. A creditor is entitled to give some concession to the debtor after the expiry of the time fixed for payment. But to agree to allow concession before the expiry of the stipulated time is not proper.

366. For instance, a sum of Rs. 100 was borrowed for one month, but after the expiry of the month the amount became Rs. 105 and the debtor was allowed a month's time for refund.

possession.[367]

Chapter 420

ABOUT THE DEBTOR'S BECOMING INSOLVENT

(1365) Abū Bakr b. 'Abd al-Raḥmān b. Ḥārith b. Hishām reported that the Apostle of Allah (may peace be upon him) said: When a man sold his goods to someone and the buyer became bankrupt and the seller did not realise his money but found his article intact with the buyer, he has better claim to it.[368] If the buyer dies, the seller and other creditors will have equal rights.[369]

(1366) Abu Hurairah reported that the Apostle of Allah (may peace be upon him) said that if a man sold his goods and the buyer became bankrupt and the seller found his article intact with the buyer, he is better entitled to it than others.

Chapter 421

WHEN *SALAF* SALE IS ALLOWED

(1367) 'Aṭā' b. Yasār reported that Abū Rāfi', the freedman of the Apostle of Allah (may peace be upon him), said: The Apostle of Allah (may peace be upon him) took on credit a small camel. When camels of *ṣadaqah* arrived, and he asked me to pay back by a like camel, I said: Apostle of Allah, the camels are all big and four-year old. The Apostle of Allah (may peace be upon him) said: Give from them. Virtuous are they who pay their debts well.

(1368) Mujāhid reported that 'Abd Allah b. 'Umar took some dirhams as loan and paid back better dirhams. He said: O Abū 'Abd al-Raḥmān, these are better than the dirhams I loaned out to you.

367. Mālik said that if anybody purchases a thing on condition that the seller will deliver him that thing at a stipulated time, the purchaser did this for some consideration, as, for instance, at that time, he expected to dispose it of easily or for any other reason. But the seller breaks this condition and if the purchaser desires to return the thing to the seller, he cannot do so and the sale will stand valid. If the seller brings the thing before the expiry of the fixed time, the purchaser cannot be compelled to accept it.

368 In preference to other creditors of the purchaser.

369. That is; the sale proceeds of the thing will be equally divided among the creditors.

‘Abd Allah b. ‘Umar replied : Yes, I know, out I have paid out of my own good-will and pleasure.[370]

Chapter 422

ON SALE BY *SALAF* WHICH IS NOT PROPER

(1369) Mālik reported that it reached him that ‘Umar b. al-Khaṭṭāb spoke about a person who gave corn on loan on condition that it should be returned at such and such a town. ‘Umar considered the transaction repugnant and asked as to who would bear the transport charges.[371]

(1370) Mālik reported that it reached him that a man came to ‘Abd Allah b. ‘Umar and said : I gave loan to a person and fixed a better repayment. ‘Abd Allah b. ‘Umar said : This is interest. He said : O Abū ‘Abd al-Raḥmān, why do you give such a verdict ? ‘Abd Allah b. ‘Umar said : Loan is of three kinds : loan given to earn Divine good-will, loan given to obtain a friend’s good-will and pleasure, and loaning valid goods for forbidden goods. This (last) is interest. The man said : What do you command me now, O Abū ‘Abd al-Raḥmān ? He said : I think it proper that you should tear the document. If the man brings you goods the same as you gave him, take them ; if he brings them of worse quality and you take them, you will reap good reward ; if he, out of his own will and pleasure, brings things of better quality than he took from you, he will be repaying your gratitude and the time [illegible] allowed him for so long will fetch you its reward.

(1371) ‘Abd Allah b. ‘Umar used to say that if a man gave a loan he should not lay any condition except its repayment.

(1372) Mālik reported that it reached him that ‘Abd Allah b. Mas‘ūd used to say that if a man gave a loan he should contract for nothing more, not even a handful of grass.

370. Mālik said : If a man takes a loan of gold, silver foodgrains or of an animal, and pays better than the loan, there is no harm when there is no such condition fixed or a promise made It is only if he pays in consequence of any promise or condition, that it becomes improper.

371. In this transaction the creditor has the advantage that his goods would reach the other town without incurring transport expenses.

Chapter 423

ON PROHIBITED BARGAINING AND SALE

(1373) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) said. Do not sell one upon another:[372]

(1374) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said: Do not go in advance to meet the travelling grain-dealers to buy their goods. Neither should one of you sell over the head of another, nor increase the price to excite another to buy (*najash*), nor should the townsman sell on behalf of the country-man, nor keep milk in the udders of the camels or goats. If anyone buys such a camel or goat and, later, after milking, the real state of affairs is known, the buyer has the option of retaining it or returning it and giving in return (for the milk) one ṣā' of dates.[373]

(1375) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) prohibited from *najash*, and *najash* is paying in excess of the cost of the goods—not with the intent of payment, but that another may be deceived into purchasing it for that price.

Chapter 424

MISCELLANEOUS PROBLEMS CONNECTED WITH SALE

(1376) 'Abd Allah b. 'Umar reported that a man stated to the Apostle of Allah (may peace be upon him) that he had been defraud-

372. When a customer agrees to purchase goods from anybody, none else should attract him by offering cheaper rate ; when a transaction is finalised with someone, none else should then interfere in it.

373. When the grain-dealers come, it is prohibited to go out of the city for making purchases for two reasons. Firstly, that there is famine in the city and a man goes out and purchases all the foodgrains from the dealers and sells them in the city at a higher rate. Had the man not gone out, the dealers would have come to the city and the citizens would have been benefited. Secondly, that there be no scarcity or famine in the city and the dealers were not aware of the rates of the city and this man purchases from them at a cheaper rate by duping them.

374 According to Dāraquṭnī and Baihaqī, the Apostle of Allah (may peace be upon him) told the man that when he buys anything he has the option to keep it or return it within three days. That man lived up to the Caliphate of Ḥaḍrat 'Uthmān when his age was 180 years. Whenever he purchased anything the people said that he has been deceived But when any Companion of the Prophet (may peace be upon him) gave evidence that the Prophet (may peace be upon him) had given him the option for three days, the seller would return his money.

ed in sale transactions. The Apostle of Allah (may peace be upon him) directed him: Whenever you should get into any transaction, speak out: There is no deceit or fraud here. The man, whenever he entered into a transaction, used to say: There is no deceit or fraud.[374]

(1377) Yaḥyā b. Sa'īd reported that he heard Muḥammad b. Munkadir saying: The Lord likes the man who acts moderately while selling and also while purchasing and acts likewise in recovering his debts.

(1378) Yaḥyā b. Sa'īd reported that Sa'īd b. al-Musayyab used to say: When you reach the land where the people observe true weights and measures, stay there longer, and when you arrive in a land where they decrease in weights and measures, stay there but for a while.

(1379) Ibn Shihāb was asked whether a man could take an animal on hire and let it out to another on a higher hire. He said that there was no harm.

XX. KITAB AL-QIRAD[375]

Chapter 425

ON PARTNERSHIP

(1380) Zaid b. Aslam reported from his father that 'Abd Allah and 'Ubaid Allah, sons of Ḥaḍrat 'Umar b. al-Khaṭṭāb, set out towards Iraq with a force (for *jihād*). On their return they visited Abū Mūsā Ash'arī who was the Governor of Baṣrah. He welcomed them and then glorified them and then said: Oh that I could do you some good or profit, I would do it. He said again: Why not, here is some property out of the property I intend to send to the Commander of the Faithful. Here I shall give you a loan of this amount. Buy goods of Iraq. Sell them at Medina. Give the principal to the Commander of the Faithful and you take the profit. They said: We agree. He gave accordingly and wrote to 'Umar b. al-Khaṭṭāb to realise the property from them. When the two arrived they sold the goods and obtained profit and took the principal property to 'Umar b. al-Khaṭṭāb. 'Umar b. al-Khaṭṭāb asked: Was such a loan given to each man of the army? They said: No. The Commander of the Faithful said: Then he must have given the amount to you knowing you to be the sons of the Commander of the Faithful. Pay the principal as well as the profit. 'Abd Allah was silent, but 'Ubaid Allah said: O Commander of the Faithful, you should not have acted thus, for if the goods had been damaged or lost we should have paid the penalty. He said: Pay. 'Abd Allah still kept silence but 'Ubaid Allah repeated the statement. Meanwhile one of the Companions of 'Umar ('Abd al-Raḥmān b. 'Auf) spoke out and said: O Commander of the Faithful, it would be better if you do *muḍārabat*. Then 'Umar took the principal and half the profit and 'Abd Allah and 'Ubaid Allah took the remaining half of the profit.

375. *Qirāḍ* and *Maḍārabat* are both the same thing, i.e. that the goods belong to one and the labour of the other and both share in the profit.

(1381) Ya'qūb al-Madanī reported that 'Uthmān b. 'Affān gave him goods by way of *muḍārabat* so that Ya'qūb may work and partake in the profit.

XXI. KITAB AL-MUSAQAT

Chapter 426

ON *MUSĀQĀT*[376]

(1382) Sa'īd b. al-Musayyab reported that the Apostle (may peace be upon him), on the day of the victory of Khaibar, declared to the Jews of Khaibar : I shall keep you in possession of whatever you have been given by the Lord, on condition that whatever fruits grow here shall jointly be owned by you and us. The Apostle of Allah (may peace be upon him) used to send 'Abd Allah b. Rawāḥah who would make a note of the trees and form an estimate of the fruit. 'Abd Allah would tell the Jews: Either take the fruits and give us half of the estimate arrived at, or we shall take the fruits and let you have half of the estimate. The Jews used to take the fruits.[377]

(1383) Sulaimān b. Yasār reported that the Apostle of Allah (may peace be upon him) used to send 'Abd Allah b. Rawāḥah to Khaibar and he prepared respective estimate of the fruitage. On one occasion the Jews collected together the jewels of their women and offered them to 'Abd Allah b. Rawāḥah saying: Take these, and reduce the estimate. 'Abd Allah b. Rawāḥah replied : O Jews, I consider you to be the worst of the whole of God's creation. In spite of this, I do not desire to treat you cruelly. The bribe that you are offering is forbidden. We do not accept bribes. The Jews then admitted : It is for this reason that the sky and the earth continue to exist.

376. *Musāqāt* means that a person gives his trees into the care of another person so that he may tend them He will be entitled to a share of the fruits that the trees will yield. Imām Abū Ḥanīfah does not approve of it.

377. After the conquest, the whole territory became the property of the Muslims under *musāqāt*. The Jews were given half in return for their labour and the rest remained State property.

XXII. KITĀB AL-KIRA' AL-ARD

Chapter 427

ABOUT HIRING OF LAND

(1384) Rāfi' b. Khadīj reported that the Apostle of Allah (may peace be upon him) prohibited the renting of land against a part of its produce. Ḥanẓilah said: I asked Rāfi' b. Khadīj whether they could be rented out in lieu of gold and silver. He replied: There is no harm in (taking) gold and silver.

(1385) Ibn Shihāb asked Sa'īd b. al-Musayyab whether land could be rented out in return for gold and silver. He replied that there was no harm.

(1386) Ibn Shihāb enquired of Sālim b. 'Abd Allah whether the renting out of fields was allowable. Sālim replied that there was no harm if it was in return of gold and silver. Ibn Shihāb asked: Have you not learnt of the *ḥadith* of Rāfi' b. Khadīj? Sālim said: Rāfi' exceeded his bounds. If I had agricultural land, I would have rented it out.

(1387) 'Abd al-Raḥmān b. 'Auf took a piece of land on rent. It remained with him to the end of his life. His son deemed it his property, for it was under their possession since years. When 'Abd al-Raḥmān was dying, he pointed out that it was a land on rent and ordered the payment in gold or silver of the rent that was due.

(1388) 'Urwah b. Zubair used to rent out his land in return for gold or silver.[378]

378. Mālik was asked whether a man could rent out his land on condition that he should be paid a quantity of dates, wheat or whatever was grown in it. He considered it to be repugnant.

XXIII. KITAB AL-SHUF'AH

Chapter 428

ON THE PROPERTY ON WHICH *SHUF'AH* IS PROVED

(1389) Sa'īd b. al-Musayyab and Abū Salamah b. 'Abd al-Raḥmān b. 'Auf reported that the Apostle of Allah (may peace be upon him) ordered that *shuf'ah* exists in things which are not divided amongst their partners. When the division takes places and the boundaries are fixed, there is no more *shuf'ah*.

(1390) It reached Mālik that Sa'īd b. al-Musayyab was asked the significance of *shuf'ah*, whether it was a *Sunnah* of the Apostle of Allah (may peace be upon him) or not. He replied: Yes. *Shuf'ah* is concerned with houses and lands and that the right to it belongs only to the partners.

(1391) It reached Mālik that Sulaimān b. Yasār reported to the same effect.

Chapter 429

ON PROPERTY ON WHICH THERE IS NO *SHUF'AH*

(1392) Abū Bakr b. Muḥammad b. 'Amr b. Ḥazm reported that 'Uthmān b. 'Affān said: When boundaries are fixed in the land, there would be no *shuf'ah*, neither would there be any *shuf'ah* in wells and in male date trees.

XXIV. KITAB AL-AQDIYAH

Chapter 430

ABOUT JUDICIAL DECISIONS

(1393) Umm Salamah, wife of the Prophet (may peace be upon him), reported that the Apostle of Allah (may peace be upon him) declared: I am a human being too.[379] You come to me disputing and quarrelling. Perhaps some of you indulge in logic to prove your assertions and it may be that I give my decision on the strength of your argumentation. Should I, therefore, give one that which his brother is entitled to, he should not take it, for it would be as if I am giving him a coal of fire.

(1394) Sa'īd b. al-Musayyab reported that a Muslim and a Jew came disputing to 'Umar b. al-Khaṭṭāb. 'Umar b. al-Khaṭṭāb felt that the Jew was right and he decided in his favour. The Jew cried out: By the Lord, you decided aright. 'Umar b. al-Khaṭṭāb beat him with eight strokes and asked: How didst thou know this? He replied: It is written in our books that a ruler who gives right decision has one angel on his right side and another on the left side. Both these hold him strongly and point out to him the right direction as long as he continues to act justly. When he abandons justice, they also abandon him.

Chapter 431

ABOUT EVIDENCE

(1395) Zaid b. Khālid Juhanī reported that the Apostle of Allah (may peace be upon him) declared: Shall I not inform you of the best of witnesses? It is he who gives evidence even before he is asked for it.

379. The Holy Prophet (may peace be upon him) is not all-seeing and all-knowing.

(1396) Rabī'ah b. Abī 'Abd al-Raḥmān reported that a man of Iraq came to 'Umar b. al-Khaṭṭāb and said: I have come to you on a business which has neither head nor tail (i.e. is extensive). 'Umar b. al-Khaṭṭāb asked: What is it? He replied: False evidence has become very common in our land. 'Umar said: He speaks the truth, and added: No believers shall be imprisoned without just, trustworthy and reliable evidence.

(1397) It reached Mālik that 'Umar b. al-Khaṭṭāb declared: The evidence of an enemy and that of a man accused of evil is not trustworthy.

Chapter 432

ON THE EVIDENCE OF ONE WHO HAS BEEN SENTENCED FOR FALSELY ACCUSING SOMEBODY OF FORNICATION

(1398) Mālik reported that it reached him that Sulaimān b. Yasār and others were asked whether the evidence of a man who has been punished for falsely accusing somebody of fornication is to be relied upon. He replied: Yes, only if his repentance should be evident from his action.

(1399) Ibn Shihāb was also asked the same question and he too gave the same reply as Sulaimān b. Yasār gave.

Chapter 433

TO GIVE DECISION ON OATH AND ONE WITNESS

(1400) Muḥammad Bāqir reported that the Apostle of Allah (may peace be upon him) decided on the strength of one oath and one witness.

(1401) A'raj reported that 'Umar b. 'Abd al-'Azīz wrote to 'Abd al-Ḥamīd b. 'Abd al-Raḥmān b. Zaid b. Khaṭṭāb, who was administrator at Kūfah, asking him to decide on the strength of one oath and one witness.

(1402) Mālik reported that it reached him that Abu Salamah b. 'Abd al-Raḥmān and Sulaimān b. Yasār were asked whether it was valid to decide on the strength of one oath and one witness. They replied : Yes.

Chapter 434

ON DECIDING A LITIGATION

(1403) Jamīl b. 'Abd al-Raḥmān b. al-Mu'adhdhin used to visit 'Umar b. 'Abd al-'Azīz, and observe the way he pronounced decisions. If he found contact, relationship and comity between the plaintiff and the defendant, he would put the defendant on oath, otherwise not.

Chapter 435

ON THE EVIDENCE OF YOUNG BOYS

(1404) Hishām b. 'Urwah reported that 'Abd Allah b. Zubair took into account the evidence of children on their injuring one another.

Chapter 436

ON TAKING FALSE OATH ON THE PROPHET'S (MAY PEACE BE UPON HIM) PULPIT

(1405) Jābir b. 'Abd Allah Anṣārī reported that the Apostle of Allah (may peace be upon him) declared : Whoever took a false oath on my pulpit has sought for himself a seat in Hell-fire.

(1406) Abū Umāmah reported that the Apostle of Allah (may peace be upon him) declared : He who snatched the right of a Muslim by false oath would be deprived of Paradise, and he reserves for himself a place in Hell. The Companions asked whether that would be the case if the right was but trivial. He (the Apostle) said : Yes, even if it be but the branch of a tree, even if it be the branch of a tree, even if it be the branch of a tree. He said this three times.

Chapter 437

ON TAKING AN OATH ON THE PULPIT

(1407) Abū Ghaṭfān b. Ṭarīf al-Muzanī reported that there was a dispute between Zaid b. Thābit and 'Abd Allah b. Muṭī' regarding a house which was their joint property. The case was placed before Marwān b. Ḥakam who at the time was Governor of Medina. Marwān decided that Zaid b. Thābit should take his oath on the pulpit. Zaid said: I will swear in my place. Marwān insisted and said that he should take oath at the place where disputes of people were decided. Zaid b. Thābit swore he was in the right but refused to take the oath on the pulpit and Marwān felt surprised.[380]

380 According to Mālik, no oath should be taken on pulpit for less than a quarter of a dīnār or three dirhams, while according to Shāfi'ī no oath should be taken on pulpit for less than twenty dīnārs.

XXV. KITAB AL-RAHN

Chapter 438

PROHIBITION OF STOPPING THE MORTGAGED PROPERTY

(1408) Sa'īd b. al-Musayyab reported that the Apostle of Allah (may peace be upon him) said that (the release of) the mortgaged property should not be stopped.[381]

Chapter 439

ON FORCED COHABITATION WITH A WOMAN

(1409) Ibn Shihāb reports that 'Abd al-Malik b. Marwān decided that the man who committed rape should pay the *mahr* to the woman concerned.

Chapter 440

ON THE PUNISHMENT OF APOSTASY

(1410) Zaid b. Aslam reported that the Apostle of Allah (may peace be upon him) declared that the man who leaves the fold of Islam should be executed.

(1411) Muḥammad b. 'Abd Allah b. 'Abd al-Qārī reported that a man came to 'Umar b. al-Khaṭṭāb from Abū Mūsā Asha'rī (from Yemen). 'Umar b. al-Khaṭṭāb asked him about the condition of the people there. He gave the information. 'Umar b. al-Khaṭṭāb then said: Have you anything extraordinary to report? The man said: Yes. A man had left the fold of Islam and became an infidel. He asked: What

381. Imām Mālik explains that a man pledged an article worth Rs. 100 for Rs. 75 on condition that if he does not have it released by such and such a date, the article would become the property of the mortgagee's: this is not valid. Whenever the money is paid, the article pledged must be returned, and the condition annulled.

treatment had been meted out to him? He replied: We caught him and beheaded him. 'Umar declared: It would have been better if you had cast him in prison for three days and given him one bread each day and asked him to repent. Perhaps, he would have repented and obeyed the Commands of the Lord. 'Umar added: Oh Allah I was not present there, neither did I give any order, nor did I feel happy when I learnt it.

Chapter 441

COMMAND FOR A MAN FOUND WITH ANOTHER'S WIFE

(1412) Abū Hurairah reported that Sa'd b. 'Ubādah asked the Apostle of Allah (may peace be upon him): Should I find a man with my wife, should I give him time until I bring four witnesses? The Apostle of Allah (may peace be upon him) said: Yes.

(1413) Sa'īd b. al-Musayyab reported that a man from Syria (Ibn Jubairī) found a man with his wife and killed him or killed them both. Mu'āwiyah b. Abū Sufyān (who was the administrator of Syria) found the case hard to decide. He wrote to Abū Mūsā Ash'arī requesting him to refer the matter to 'Alī b. Abī Ṭālib. Abū Mūsā enquired of 'Alī b. Abī Ṭālib who replied: This incident has not happened in my land. I adjure you to speak the truth and tell me where it happened. Abū Mūsā said: Marwān b. Abū Sufyān has written asking me to refer the case to you. 'Alī said: I am Abū al-Ḥasan.[382] If four witnesses are not brought, he should be beheaded.

Chapter 442

REGARDING A *MANBŪDH*[383]

(1414) Sunain b. Abī Jamīl found an abandoned child during the

382 Ḥaḍrat 'Alī was so perfect in deciding cases brought to him that people used to say This is a dispute and there is no Abū al-Ḥasan.

383. *Manbūdh* and *Laqīṭ*, a child abandoned by its parents

time of 'Umar b. al-Khaṭṭāb and took it to him. 'Umar b. al-Khaṭṭāb asked : Why did you take him up and bring him to me ?[384] He answered : Left to itself, it would have died and so I brought him. Meanwhile, the *'arīf*[385] of 'Umar b. al-Khaṭṭāb said : Commander of the Faithful, he is a pious man. 'Umar asked : Is he so ? He replied : Yes. 'Umar said : Go, that foundling is free and you will get his *walā'* and we shall provide him expenses.

Chapter 443

ON GETTING SON AND FATHER TOGETHER

(1415) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported : 'Utbah b. Abī Waqqāṣ at the time of his death told his brother Sa'īd b. Abī Waqqāṣ : The son of the slave-girl of Zam'ah is by me. Keep him with you. When Mecca was conquered, Sa'īd took over the boy saying that he was his brother's son and his brother had, at his death, asked him to take him over. 'Abd b. Zam'ah said : This boy is my brother ; he is the son of my father's slave girl. Both went disputing to the Apostle of Allah (may peace be upon him). S'īd said : Apostle of Allah, this is my brother's son. My brother had, at his death, asked me to take him over. 'Abd b. Zam'ah said : He is my brother and is born of the slave-girl of my father. The Apostle of Allah (may peace be upon him) told 'Abd b. Zam'ah : He is thine, and then added : A boy is for the husband or master of the mother and for an adulterer is stoning. Then he told Saudah, daughter of Zam'ah : Observe *purdah* from the boy, for the boy was similar in features to 'Utbah b. Abī Waqqāṣ. The boy did not see her until she died.

(1416) 'Abd Allah b. Umayyah reported that a woman's husband died and she observed *'iddah* for four months and ten days and then married another. She was hardly four and half month with him when she was delivered of a fully developed child. The husband came and

384. Ḥaḍrat 'Umar suspected that Sunain brought his own child in order to secure an allowance for him from the *Bait al-Māl*.

385. *'Arif*—a man who knows people. He uses to be in service with the ruler to keep him informed. Sunain was the *'arif* of 'Umar.

reported the matter to 'Umar b. al-Khaṭṭāb, who sent for an old woman from amongst the women of the pagan times and enquired regarding the matter. One of the women said : I shall inform about this woman. When her husband died, she was pregnant. The menstrual fluid went on falling on the child and it dried up in her womb. When she married again, the man's semen reached it and it began to move again and grew. 'Umar b. al-Khaṭṭāb testified to it and annulled the marriage and said to the woman : It is well that no evil report reached me about you and the descent of the boy by the first husband has been proved.

(1417) Sulaimān b. Yasār reported : If a man after acceptance of Islam claimed parentage of any child of the pagan times, 'Umar b. al-Khaṭṭāb used to give the child after satisfaction over to him. On one occasion two persons came to him both claiming parentage of a boy. 'Umar b. al-Khaṭṭāb sent for a physiognomist to find out who the real father was. The man, after studying the boy, said that both the claimants seemed to be his fathers. 'Umar struck him and then sent for the mother of the boy and asked her to explain her position. She signed towards one of the two men and said : When I used to be amongst the camels of my people he used to come and embrace me until he and I suspected pregnancy. He then went away but I had my menses. The second man then came over and had connections with me. I do not know which of them is the father of the boy. The pleasure of the physiognomist, when he heard this, knew no bounds. 'Umar then spoke to the boy and said : You may choose whichever of the two you like (as your father).

(1418) Mālik reported that it reached him that 'Umar b. al-Khaṭṭāb or 'Uthmān b. 'Affān gave decision in case of a woman who falsely asserted that she was free and married a person, and had children. When the case came up for decision, it was decided that (the woman should continue to be the property other master and) the father may free his children by payment of ransom, i.e. slaves, or slave-girls similar to his children.

Chapter 444

ON THE CHILDREN OF SLAVE-GIRLS

(1419) 'Abd Allah b. 'Umar reported that 'Umar b. al-Khaṭṭāb said : What is this that is growing common amongst the people—they cohabit with their slave-girls and then cut themselves apart from them? Henceforth if a slave-girl should report to me and her master should acknowledge having cohabited with her, I shall declare the issue to be his. You have the right to do or not to do *'azal.*

(1420) Ṣafiyyah, daughter of Ibn 'Ubaid, reported that 'Umar b. al-Khaṭṭāb said : What is this that is growing common amongst men—they cohabit with their slave-girls and then leave them and they go about. Henceforth if any slave-girl should report to me and the master should acknowledge having cohabited with her, I shall declare the issue to be his.

Chapter 445

BRINGING DEAD LAND TO LIFE

(1421) 'Urwah b. Zubair reported : The Apostle of Allah (may peace be upon him) said : Who brings dead land back to life shall himself possess it[386] and he who by force wants to make use of it has no right or title to it at all.

(1422) 'Abd Allah b. 'Umar said : 'Umar b. al-Khaṭṭāb used to say that he who should revive the dead land shall possess it.

Chapter 446

ON USING WATER

(1423) 'Abd Allah b. Abū Bakr b. Muḥammad b. 'Amr b. Ḥazm said : The Apostle of Allah (may peace be upon him) declared in case of the two canals, Mahzūr and Mudhainib, that the man whose garden was contiguous to the canal may take its water ankle deep (in his

386 Mālik said : For example, he digs a pit there, or occupies a piece of land or grows trees there

fields) and then leave the water to irrigate the lower land.

(1424) Abū Hurairah said : The Apostle of Allah (may peace be upon him) said : Extra water shall not be retained or kept dammed for the growth of grass.

(1425) 'Amrah, daughter of 'Abd al-Raḥmān, reported : The Apostle of Allah (may peace be upon him) declared : There should be no prohibition in respect of spare and extra water from a well.

Chapter 447

ON BEING FORGIVING

(1426) Yaḥyā b. 'Ammārah reported : The Apostle of Allah (may peace be upon him) said : There is neither *ḍarar* nor *ḍirār*.[387]

(1427) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said : A man should not prohibit his neighbour from fixing any stake in his wall. Abū Hurairah used to add : Why is it that you do not listen to this *ḥadīth* attentively ? I shall, by Lord, proclaim it all around and aloud.

(1428) Yaḥyā b. 'Ammārah reported : Ḍaḥḥāk b. Khalīfah dug a canal through the valleys of 'Uraiḍ[388] and through the land of Muḥammad b. Maslamah. Muḥammad objected. Ḍaḥḥāk replied : Why do you object ? You would gain by this canal. You can have your land watered from end to end and there would be no harm. Muḥammad did not consent. Ḍaḥḥāk reported the matter to 'Umar b. al-Khaṭṭāb who sent for Muḥammad b. Maslamah and asked him to give permission. But Muḥammad would not agree. 'Umar b. al-Khaṭṭāb said : You are denying a measure to your brother Muslim which is of as much gain to him as to you. You can take in water for irrigation from the beginning to the end and you suffer no loss. Muḥammad still persisted : By Lord, I will not grant permission. 'Umar said : By Lord, that canal shall flow even though it be from over your stomach, and ordered Ḍaḥḥāk to dig the canal through the land of Muḥammad b. Maslamah,

387 *Ḍarar* is to cause loss without reason; *ḍirār* is to be revenged upon another for any loss incurred.

388. A village near Medina.

and it was done.

(1429) Yaḥyā b. 'Ammārah reported that the canal of 'Abd al-Raḥmān b. 'Auf ran through the garden of his grandfather. 'Abd al-Raḥmān b. 'Auf wanted to take it along another side for it was a shorter distance to his land. But the owner of the garden objected. 'Abd al-Raḥmān b. 'Auf submitted the case to 'Umar b. al-Khaṭṭāb and 'Umar gave 'Abd al-Raḥmān b. 'Auf permission to turn it aside.

Chapter 448

ON DIVISION OF PROPERTY

(1430) Thaur b. Zaid Dailī reported : The Apostle of Allah (may peace be upon him) said : The house or land that should have been divided during pagan days shall continue to be so. But the house or land that had not been divided until the inception of Islam shall be divided in accordance with Islamic regulations.

Chapter 449

ON *ḌAWĀRĪ* AND *ḤARĪSAH*[389]

(1431) Ḥirām b. Sa'd b. Muḥayyiṣah reported : The she-camel of Barā' b. 'Āzib entered a person's garden and did some damage. The Apostle of Allah (may peace be upon him) declared that it is for the owner of the garden to keep watch during the day, but if an animal should enter a garden at night and do damage, the owner of the animal shall be held responsible.

(1432) Yaḥyā b. 'Abd al-Raḥmān b. Ḥāṭib reported that some slaves stole the camel of a man and slaughtered it. When the case went up to 'Umar b. al-Khaṭṭāb, he ordered Kathīr b. Ṣalt to cut off the hands of the slaves. Then he (turned to Ḥāṭib and) said : Evidently you keep these slaves hungry.[390] By Lord, I shall lay on you a penalty that shall be heavy upon you. He asked the camel-owner the

389. *Ḍawāri* (sing. *Ḍāri*)—animals that habitually graze in the fields. *Ḥarisah*—animals that are taken to fields for grazing.

390. That is why the slaves were compelled to resort to stealing and ate up other's property Their hands were not cut because in times of need even forbidden things become permitted.

price. He said that he had refused to sell it for four hundred dirhams. 'Umar b. al-Khaṭṭāb asked Ḥāṭib to pay him eight hundred dirhams (and did not have the hands of the slaves cut).

About a Person Who Injures An Animal of Another Person

Imām Mālik said : Whoever injures an animal of another person, he will have to compensate the owner proportionate to the loss of value of the animal.

Imām Mālik said : If a person kills or injures an attacking camel, he will not have to pay any compensation on production of a witness.

On the Articles Given to a Craftsman

Imām Mālik said : A man asks a dyer to dye his cloth, but when he delivers the dyed cloth to the owner, he (the owner) says that he has dyed the cloth in a shade other than what he had asked him for, and the dyer says that the shade was as he had asked If the dyer says this on oath, his statement would be acceptable. Similarly in the case of other craftsmen. But if the craftsman's statement is against the prevalent custom, in that case the oath of the craftsman would be acceptable.

Imām Mālik said : A person gave his cloth to a dyer for dyeing it. The dyer loaned the cloth to another person ; for this the penalty would fall on the dyer if the person does not know that the cloth belonged to another person ; but if he knew this, the penalty would fall on him.

About Security for A Debt

Imām Mālik said : A person transfers his debt to his debtor with the consent of the lender. The debtor dies in penury leaving no property. The lender now cannot claim his money from the original debtor. There is no difference of opinion on this. However, if one who stands surety for a person for his debt dies propertyless, the lender can claim his funds from the borrower.

About A Person Who Purchases Cloth in Which Some Defect Is Found

Imām Mālik said : A person purchases a piece of cloth in which is some defect, such as it is torn, and the defect is traceable to the seller through witnesses, the seller is to take the piece back and refund the price to the purchaser even if he (the purchaser) has cut the cloth for use or has dyed it.

Chapter 450

ON THE ENDOWMENT THAT IS NOT VALID

(1433) Nu'mān b. Bashīr reported : My father took me to the

Apostle of Allah (may peace be upon him) and said : Apostle of Allah, I have made the gift of a slave to my son. The Apostle of Allah (may peace be upon him) asked : Have you made the gift of a slave to each of your sons ? He said : No. The Apostle of Allah (may peace be upon him) said : Make gifts (to every one of your sons).

(1434) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported that her father Abū Bakr Ṣiddīq had, out of his garden of Ghābah,[391] made gift to her of certain date trees from which twenty wasqs of dates were obtained. When Abū Bakr was dying, he said : Daughter, there is no person whom I would, after my death, like to be richer than you, nor is there anybody whom I should not like to see poorer than you. I gave you a gift of date trees bearing dates weighing twenty wasqs. If you had cut the dates and taken possession of the trees, they would have been yours. But now it is the property of all heirs. These heirs are your two brothers[39] and your two sisters. Divide the property amongst you all as per the Book of God. 'Ā'ishah replied : By Lord, O my father ! even if it had been the largest property, I would leave it, but I am wondering who this second sister [93] is. He said : She is one who is within the womb of Ḥab.bah. I think it would be a girl.[394]

(1435) 'Abd al-Raḥmān b. 'Abd al-Qārī reported that 'Umar b. al-Khaṭṭāb exclaimed : What has happened to these people : they give gifts unto their sons and then keep them back. If the son dies earlier, he (the father) says : My property is in my possession and I did not give it to anybody. If the father dies, he leaves the word : It is my son's. I have made a gift of it to him. He who makes a gift and does not enforce it, i.e. does not give possession of it, such a gift is void.

Chapter 451

ABOUT *HIBAH*

(1436) Abū Ghaṭfān b. Ṭarīf Murrī reported that 'Umar b al-

391 A village on the way to Syria.

392 'Abd al-Raḥmān and Muḥammad

393. One sister was Asmā'.

394. After birth it happened to be a girl. She was Umm Kulthūm

Khaṭṭāb said : A man who makes a gift to a relation, by way of mercy, or charity, or a virtuous act, cannot acquire it back, but if the gift is in consideration of the expectation of a return, it can be taken back in case of disagreement.

Chapter 452

ABOUT *'UMRĀ*[395]

(1437) Jābir b. 'Abd Allah Anṣārī reported : The Apostle of Allah (may peace be upon him) declared : If a man gives anybody anything for his lifetime and for his heirs, the gift becomes absolute and cannot return to the giver.

(1438) 'Abd al-Raḥmān b. Qāsim reported : We heard Makhaulā Dimashqī asking Qāsim b. Muḥammad what the people said about *'umrā*. Qāsim b. Muḥammad said : I found people fulfilling their conditions in respect of property and fulfilling in the matter of that too which they used to give.[396]

(1439) Nafis reported that 'Abd Allah b. 'Umar became heir to Ḥafṣah, daughter of 'Umar. She had given her house to dwell in to the daughter of Zaid b. al-Khaṭṭāb for her lifetime. When she died, 'Abd Allah b. 'Umar took the house over, considering it to be his.

Chapter 453

ABOUT *LUQṬAH*[397]

(1440) Zaid b. Khālid Juhannī reported that a man came to the Apostle of Allah (may peace be upon him), and asked him about an article found on the roadside. The Apostle of Allah (may peace be upon him) said : Keep a note of the container and its packing and keep it for a year and keep on notifying to the people. If the owner is traced, give it to him, otherwise keep it. He asked : If it should be stray

395. *'Umrā* is a gift for life.

396. Imām Mālik said : In my opinion. *'umrā* returns to the grantor on the death of the grantee as it is for the latter's lifetime and not for his heirs.

397. *Luqṭah*—a thing found lying on the roadside.

sheep? The Apostle of Allah (may peace be upon him) said : The sheep would serve you or your brother, otherwise it would be eaten by the wolf. He then asked : If it should be a lost camel ? The Apostle of Allah (may peace be upon him) replied : What have you to do with the camel ? It has its water within him and its shoes (its hard legs) ; wherever it finds water, it drinks it, whatever tree it comes across, it eats it until its owner regains it.

(1441) Mughwiyah b. 'Abd Allah b. Badr al-Juhannī reported that his father informed him that he found a purse at a halting place on the way to Syria. It contained eighty dirhams. He reported this to 'Umar b. al-Khaṭṭāb. 'Umar b. al-Khaṭṭāb said : Continue to tell the people at the gates of mosques and those who arrive from Syria, until the lapse of a year ; thereafter do what you like.

(1442) Nāfi' reported : A person found *luqṭah* (something unclaimed) and took it to 'Abd Allah b. 'Umar and said : I have found unclaimed property. What is your opinion regarding it ? 'Abd Allah b. 'Umar directed him to ask the people and let him know. He said that he had already done that. 'Abd Allah b. 'Umar said : I would never order you to eat it. If you had so desired, you would not have taken it.

A Slave Finding An Unclaimed Property and Spending It

Mālik said : I think if a slave finds something unclaimed and spends it away before the elapse of a year, it will be considered to remain as a trust with him When the owner appears and claims it, the master of the slave will either pay him the price of the thing concerned or make over the slave to him. If the slave makes use of it after the limited period of one year, it will remain outstanding with the master and may be claimed by him on his emancipation.

Chapter 454

ON THE ANIMALS LOST BY THE OWNER

(1443) Sulaimān b. Yasār reported that Thābit b. Ḍaḥḥāk Anṣārī informed him that he found a stray camel at Ḥarrah [398] He tethered it

398. A place near Medina.

with a rope and informed 'Umar b. al-Khaṭṭāb. 'Umar b. al-Khaṭṭāb directed him to show it over to the people three times. Thābit said that that absorbed his time and prevented him from looking after his land. 'Umar said : Leave it where you found it.

(1444) Sa'id b. al-Musayyab reported : 'Umar b. al-Khaṭṭāb was sitting reclining by the Ka'bah and saying : He who takes up a lost thing is himself lost.[399]

(1445) Mālik reported that he heard Ibn Shihāb saying: Stray camels found in the time of 'Umar b. al-Khaṭṭāb used to be left alone. They had offspring and nobody took them. When 'Uthmān b. 'Affān became Caliph, he ordered that they should be shown to all, then sold (and the price credited to the *Bait al-Māl*). On the appearance of the owner, the price should be paid over to him.

Chapter 455

THE BENEFIT OF SOMETHING GIVEN IN CHARITY ON BEHALF OF A DEAD PERSON GOES TO HIM

(1446) Sharajil b. Sa'īd b. Sa'd b. 'Ubādah said : Sa'd b. 'Ubādah accompanied the Apostle of Allah (may peace be upon him) on *jihād*. His mother was dying at Medina. People asked her to make a will. She said : What will should I make ? All the property is Sa'd's. She died before Sa'd's return. When Sa'd b. 'Ubādah returned, the facts were reported to him. Sa'd said : Apostle of Allah, should I give something on behalf of my mother in the way of the Lard, would she benefit ? The Apostle of Allah (may peace be upon him) said : Yes, whereupon Sa'd announced that such and such garden was given away by him on his mother's behalf.

(1447) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported that a man told the Apostle of Allah (may peace be upon him); My mother died all of a sudden. If she had time for speech, she would certainly have given charity. Shall I give charity on her behalf ? The Apostle of Allah (may peace be upon him) said : Yes.

(1448) Mālik said that it reached him that a man among the Anṣār

399 If he takes it up for himself.

of the tribe of Ḥārith b. Khazraj gave date trees to his parents in charity. The parents died after some time and the man became himself the heir to them. He reported the matter to the Apostle of Allah (may peace be upon him) who said : You have obtained the reward of the charity. Now you can have the inheritance.

Chapter 456

CN MAKING OF WILLS

(1449) 'Abd Allah b. 'Umar reported: The Apostle of Allah (may peace be upon him) said: It does not behove any Muslim who has any property or business in which the making of a will is necessary to let two nights pass without making a will.[400]

Chapter 457

THE WILL OF A WEAK PERSON, A CHILD, A MADMAN AND AN IDIOT

(1450) 'Amr b. Sulaim Zuraqī reported that it was brought to the notice of 'Umar b. al-Khaṭṭāb that there was in Medina a boy from the Ghassān who had not yet attained majority, but was near it, that his heirs were in Syria, that he had property, and that he had no heir there except a cousin (the daughter of his paternal uncle). 'Umar b. al-Khaṭṭāb declaredth at he should write a will in her favour. The boy's property was called Bīr Jusham. He executed the will accordingly. 'Amr b. Sulaim said: Property was sold for thirty thousand dirhams. The boy's cousin was the mother of 'Amr b. Sulaim Zuraqī.

(1451) Abū Bakr b. Ḥazm reported that a boy of Ghassān was dying in Medina and his heirs were in Syria. 'Umar b. al-Khaṭṭāb was informed: Such and such a boy is dying. Should he make a will? 'Umar b. al-Khaṭṭāb said that he should.[401] Yaḥyā b. Sa'īd reported

400. Because one may die any time and may not have the opportunity to make a will. Imām Mālik said that in his opinion this is a command based on consensus that a man may change his will made during health or sickness, but he cannot annul his having declared his slave *mudabbir*.

401 According to Mālik, this command is one of need where the person concerned sometimes returns to normalcy and has the sense to understand what he is doing. The will of a person who does not have this sense is not valid.

that Abū Bakr b. Ḥazm said that the boy was ten or twelve years old and that he left property called Bīr Jusham and executed a will. People sold the property for thirty thousand dirhams.

Chapter 458

INVALIDITY OF A WILL FOR MORE THAN ONE-THIRD OF THE ENTIRE PROPERTY

(1452) Sa'd b. Abī Waqqāṣ reported: The Apostle of Allah (may peace be upon him) came to see me in my illness in the year of Ḥajjat al-Wadā' (Last Pilgrimage). My disease was serious. I told him: Apostle of Allah, you see how serious my illness in and I am rich. My heir is my only daughter. Shall I give away in the name of the Lord two-third of my effects? The Apostle of Allah (may peace be upon him) said: No. I then said : Shall I give half? He said : No. Then the Apostle of Allah (may peace be upon him) himself added : Give away one-third and the one-third is great. It would be better if you leave your heirs wealthy than that they should be left needy or be forced to extend their hand to others for aid. Whatever you spend for the sake of the Lord, you will get the reward of it—even up to what you should put into the mouth of your wife. I then asked : Apostle of Allah, shall I be left behind my companions (at Mecca on account of my illness)? The Apostle of Allah (may peace be upon him) said : You remain behind and do good. Your position will rise. And perhaps you will be alive until the time Allah should thrive one nation on your account and make another nation suffer.[402] O Lord! complete the *Hijrat* of my companions and do not turn them back on their heels from it. Ill-fortuned was Sa'd b. Khaulah for whom the Apostle of Allah (may peace be upon him) grieved, for he died in Mecca.[403]

402. Sa'd b. Abī Waqqāṣ lived for a long time and witnessed many victories after the death of the Apostle of Allah (may peace be upon him) because of which the Muslims thrived and the unbelievers suffered much. Sa'd died in 55 or 58 A.H.

403. During the Ḥajjat al-Wadā' because it is not considered well to die at a place from where one has emigrated.

Chapter 459

ABOUT AN EUNUCH AND ABOUT THE OWNERSHIP OF A BOY

(1453) **'Urwah** b. Zubair reported that there was an eunuch[404] with Umm Salamah, wife of the Prophet (may peace be upon him). He told 'Abd Allah b. Umayyah, in the hearing of the Apostle of Allah (may peace be upon him): O 'Abd Allah, if the Lord should bring about the conquest of Ṭā'if at your hands tomorrow, do take over the daughter of Ghailān. When she comes there are four folds in front and when she turns her back, the four look to be eight. The Apostle of Allah (may peace be upon him) said: These men should not be allowed to enter in.[405]

(1454) Yaḥyā b. Sa'īd reported that he heard Qāsim b. Muḥammad saying that there was with 'Umar an Anṣārī woman. To her was born a son who was named 'Āṣim b. 'Umar. 'Umar then left the woman. He came to the mosque of Qubā' and there found 'Āṣim playing with children in the yard of the mosque. 'Umar took hold of his side and put him before him, on the saddle. The grandmother of the child, seeing this, began to quarrel and wanted her child back. The two went to Abū Bakr. 'Umar said the boy was his son. The woman said that he was her child. Abū Bakr asked 'Umar to leave the child and give him to his grandmother.[406] 'Umar kept quiet and did not dispute.

Chapter 460

MISCELLANEOUS *AḤĀDĪTH* ON *QAḌĀ'* AND ITS REPUGNANCE

(1455) Yaḥyā b. Sa'īd reported that Abū al-Dardā' wrote to Salmān Fārsī: Come here to the holy land. Salmān wrote in reply:

404. He was impotent by birth. His name was Hīt.

405. The Arabs liked fat and stout women An eunuch that speaks so would be having in his heart the desire for women, hence the prohibition of the Apostle of Allah (may peace be upon him).

406. The grandmother, not the father, has the right to bring up a child until he gets to his senses.

Land does not make anybody holy; the actions of a man make him holy. I understand that you have become a physician there and treat people. If you cure them, that is well, but if you know not the art and only pose as a physician, it may happen that you kill a man and go to Hell-fire. Whenever Abū al-Dardā' decided between two persons and they would prepare to depart, he would send for them back and ask them to repeat their case, and say: By Lord, I do not know the art of medicine. I treat casually.

(1456) 'Umar b. 'Abd al-Raḥmān b. Dalāf Muzanī reported that a man[407] of the tribe of Juhainah used to go in advance of the pilgrims, and buy at great cost good camels and, starting early, reached in advance of all others. He then became insolvent. His case was brought up to 'Umar b. al-Khaṭṭāb. 'Umar b. al-Khaṭṭāb said: Praise be to Allah, let all men know that Usaifi' who is of the tribe of Juhainah—may his faith and trust agree—who acted so that all pilgrims may say that he arrived in advance of others—may it be known that he incurred debts and did not think of payment and became bankrupt and debts enveloped his assets. Let him to whom he owes anything come to us tomorrow morning. We shall divide his property amongst his creditors. You should avoid running into debts. Debts bring sorrows and disputes in the end.

Chapter 461

ABOUT WHAT IS RIGHTLY TO BE GIFTED TO ONE'S CHILDREN

(1457) Sa'īd b. al-Musayyab reported that 'Uthmān b. 'Affān said: It is right if one gives a gift to his minor son, but he should do it openly before witnesses, and the father will continue to be the guardian.

407. Named Usaifi'.

XXVI. KITAB AL-FARA'ID

Chapter 462

ON THE INHERITANCE OF THE GRANDFATHER

(1458) Yaḥyā b. Sa'īd reported that Mu'āwiyah b. Abū Sufyān wrote to Zaid b. Thābit asking about a paternal grandfather's inheritance. Thābit replied: You wrote to ask me about paternal grandfather's inheritance. God alone knows better. The *Khalīfahs* had decided in like manner. During the time of two preceding *Khalīfahs* ('Umar and 'Uthmān) I was present on the occasion of such decisions. In case of one brother they used to give half to his grandfather and in case of two brothers they used to give one-third. If there were many brothers and sisters, even then the grandfather did not get less than one-third.

(1459) Qabīṣah b. Dhuwaib reported that 'Umar b. al-Khaṭṭāb gave to the paternal grandfather as much as people give now.

(1460) Mālik reported that it reached his from Sulaimān b. Yasār that 'Umar b. al-Khaṭṭāb, 'Uthmān b. 'Affān and Zaid b. Thābit all had the grandfather given one-third, in case of the presence of brothers and sisters.

Chapter 463

ON THE INHERITANCE OF PATERNAL AND MATERNAL GRANDMOTHERS

(1461) Qabīṣah b. Dhuwaib reported that the maternal grandmother (of one deceased) approached Abū Bakr Ṣiddiq for her share of inheritance. Abū Bakr said to her: The Book of Allah allows you no share, nor have I heard of any *ḥadīth* of the Apostle of Allah (may peace be upon him) in this respect. Go back, I shall enquire further from the people. He then asked people. Mughīrah b. Shu'bah

said : I was present when the Apostle of Allah (may peace be upon him) granted to the maternal grandmother a sixth share. Abū Bakr asked whether there was anyone else there who had knowledge of it. Muḥammad b. Maslamah Anṣārī stood up and said the same thing. Thereat Abū Bakr Ṣiddīq gave the woman a sixth share. During 'Umar b. al-Khaṭṭāb's time, a paternal grandfather claimed her share of inheritance. He said to her : Allah allows you no share and there is no mention made of you and of the maternal grandmother, in the decision made earlier. I will not add anything to the laws of inheritance by myself. But he granted her a sixth share too and added that if the maternal grandfather was alive the two should divide between them the one-sixth share and in case only one lived she could have a sixth share.

(1462) Qāsim b. Muḥammad reported that a paternal grandmother and a maternal grandmother both approached Abū Bakr Ṣiddīq. Abū Bakr wanted to give a one-sixth share to the maternal grandmother when an Anṣārī spoke out : You do not grant a share to her who, if she had died and the deceased had been alive, the deceased would have obtained his share. On this Abū Bakr had one-sixth share given to both.

(1463) 'Abd al-Rabbihī b. Sa'īd reported : Abū Bakr b. 'Abd al-Raḥmān b. Ḥārith did not have the share given to any grand-parent except maternal or paternal.

Chapter 464

THE INHERITANCE OF A *KALĀLAH*[408]

(1464) Zaid b. Aslam reported that 'Umar b. al-Khaṭṭāb asked the Apostle of Allah (may peace be upon him) regarding the inheritance of a *kalālah*. The Apostle of Allah (may peace be upon him) replied : Sufficient is for you the verse that was revealed in the hot season, at the end of Sūrah Nisā'.[409]

408. One who leaves behind neither descendants nor ascendants, according to the majority of *'ulamā*. Some say it means one who leaves no descendants.

409. Two verses in respect of *kalālah* were revealed, one during winter at the beginning of Sūrah Nisā' and the other during summer at the end of this *sūrah*.

Chapter 465

ON THE INHERITANCE OF PATERNAL AUNT

(1465) A freedman of the Quraish reported, as Ibn Mūsā used to relate, to the effect: I was once sitting near ‘Umar b. al-Khaṭṭāb. ‘Umar b. al-Khaṭṭāb, after the ẓuhr prayer asked Yarfā to bring the book which he had written regarding the interitance of the paternal aunt, so that he may discuss and consult with us in the matter. When he found after consultation that a paternal aunt received nothing, he sent for a bucket of water and washed away his manuṣcript and said: If the Lord had intended to grant the paternal aunt a share, He would have mentioned this in His Book.

(1466) Abū Bakr b. Ḥazm reported: ‘Umar b. al-Khaṭṭāb used to say: It is a wonder that the nephew inherits from the paternal aunt and she does not inherit from him.

Chapter 466

WHEN RELIGION AND NATIONALITY DIFFER, THERE IS NO INHERITANCE

(1467) Usāmah b. Zaid reported: The Apostle of Allah (may peace be upon him) said that a Muslim cannot inherit from an unbeliever.

(1468) ‘Alī b. Ḥusain b. Alī b. Abū Ṭālib reported that ‘Aqīl and Ṭālib became heirs of Abū Ṭālib and ‘Alī did not inherit.[410] He said: It is for this reason that we left our share in the mount (of Mecca).

(1469) Muḥammad b. al-Ash‘ath had a paternal aunt, a Jewess or Christian, who died. Muḥammad b. Ash‘ath asked ‘Umar b. al-Khaṭṭāb: Who will inherit from her? ‘Umar replied: Her co-religionists will be her inheritors. When ‘Uthmān became *Khalīfah*, he asked him the same question. ‘Uthman b. ‘Affān replied: Do you think I have forgotton what ‘Umar b. al-Khaṭṭāb had told you? They will be her in heirtors who are her coreligionists.

410. ‘Aqīl and Ṭālib were both unbelievers. Later ‘Aqīl became Muslim but Ṭālib disappeared in the Battle of Badr.

(1470) Ismā'īl b. Abū Ḥakīm reported that a slave of 'Umar b. 'Abd al-'Azīz was a Christian. He set him free and he died. 'Umar b. 'Abd al-'Azīz asked his property to be credited to the *Bait al-Māl.*

(1471) Sa'īd b. al-Musayyab reported that 'Umar b. al-Khaṭṭāb refused his countrymen inheriting from people of foreign lands, except for one who was born in Arabia.

Chapter 467

ON THE INHERITANCE OF THOSE KILLED IN BATTLE

(1472) Rabī'ah b. 'Abd al-Raḥmān and many others of the learned reported: The people who were killed in the Battles of Jamal, Ṣiffīn, Ḥarrah and Qudaid did not become heirs to one another, except in case of definite information that one was killed before the other.

Chapter 468

ON THE INHERITANCE OF THE SON OF A CURSED WOMAN AND OF A BASTARD

(1473) Mālik reported that it reached him from 'Urwah b. Zubair that when the son of a cursed woman or a bastard should die, his mother would take per share in accordance with the Book of Allah as well as his maternal brothers ; the remainder would go to the master of his mother ; if she should have been freed and if she should be an Arab, the balance left would accrue to the Muslims.

XXVII. KITAB AL-'UQUL

Chapter 469

ON COMPENSATIONS

(1474) 'Abd Allah b. Abū Bakr b. Muḥammad b. 'Amr b. Ḥazm reported from his father that the book that the Apostle of Allah (may peace be upon him) wrote for 'Amr b. Ḥazm on the subject of blood-money stated that the compensation of a life is 100 camels and the nose, if cut in full, 100 camels, and in case of *māmūmah* (head injury down to the skull) one-third of the blood-money and in *jā'ifah* (injury to the inside of stomach) also it is one-third and in case of injury to the eye, fifty camels, of the hand fifty, of the foot fifty, and of every finger ten, and of every tooth five, and for *mū'ḍiḥah* (bone breaking or fracture) five camels.

Chapter 470

HOW TO RECEIVE BLOOD-MONEY

(1475) Mālik reported that it reached him from 'Umar b. al-Khaṭṭāb that he imposed blood-money of 1000 dīnārs on those towns-folk who have (a standard of) gold and of 12,000 dirhams on those who have a standard of silver.[411]

(1476) It reached Mālik that he heard that the blood-money was recoverable in three or four years.

Chapter 471

ABOUT THE BLOOD-MONEY FOR WILFUL MURDER AND MURDER BY A MADMAN

(1477) Mālik reported that it reached him that Ibn Shihāb used to say that in case of wilful murder, if the heirs of the deceased con-

411. Countries of gold standard were Egypt and Syria, while Iraq had the silver standard.

sent to blood-money, it would be twenty-five *bint makhāḍ* and twenty-five *bint labūn* and twenty-five *ḥiqqah* and twenty-five *jadh'ah*.[412]

(1478) Yaḥyā b. Sa'īd reported that Marwān b. Ḥakam wrote to Mu'āwiyah b. Abū Sufyān that a madman was brought to him who had killed a man. Mu'awiyah wrote: Put him in prison and do not behead him, for an insane man is not punished by execution.

Chapter 472

ABOUT BLOOD-MONEY FOR UNINTENTIONAL MURDER

(1479) 'Irāk b. Mālik and Sulaimān b. Yasār reported that a man of Banī Sa'd b. Laith raced his horse and trampled over and broke the finger of a man of the tribe of Juhainah. Blood flowed out and the man died. 'Umar b. al-Khaṭṭāb first asked the tribe of Banī Sa'd: Do you swear fifty oaths that the man did not die by the breaking of the finger? They refused and kept back. He then asked the tribe of Juhainah whether they would swear to it. They too refused. 'Umar b. al-Khaṭṭāb had a half of the blood-money paid by the Banī Sa'd.[413]

(1480) Mālik reported that Ibn Shihāb and Sulaimān b. Yasār and Rabī'ah b. Abī 'Abd al-Raḥmān used to say: The blood-money for unpremeditated *murder* is twenty *bint makhāḍ*, twenty *bint labūn*, twenty *ḥiqqah* and twenty *jadh'ah*.

Chapter 473

BLOOD-MONEY FOR A WOMAN

(1481) Sa'īd b. al-Musayyab reported that the blood-money of man and woman is the same to the extent of one-third of blood-money. Her finger is like his finger[414] and her tooth is like unto his tooth, and the *mūḍiḥah* of a woman is like the *mūḍiḥah* of a man; similarly, *munaqqalah* of a woman is like that of a man.

(1482) It reached Ibn Shihāb from 'Urwah b. Zubair that Sa'īd b. al-Musayyab said that until one-third of the blood-money man and

412 For *bint makhāḍ*, *bint labūn*, *riqqah* and *jadh'ah*, see "Kitāb al-Zakāt".

413 Mālik said that this was not practised.

414. The blood-money in each case is ten camels.

woman stand on a par and thereafter a woman's blood-money will be half that of man.[415]

(1483) Mālik reported that he heard Ibn Shihāb saying that the *Sunnah* extent is tenth if a man wounds his wife; he is subject to blood-money and there is not to be a retaliation.

Chapter 474

BLOOD-MONEY FOR A CHILD IN THE WOMB

(1484) Abū Hurairah reported that two women of the tribe of Huzail quarrelled. One threw a stone at the other as a result of which the child (in the womb) of the woman aborted. The Apostle of Allah (may peace be upon him) ordered payment of a slave or a slave-girl.

(1485) Sa'īd b. al-Musayyab reported that the Apostle of Allah (may peace be upon him) ordered that the killing of the child in the womb necessitated payment of a slave or a slave-girl. The man who was ordered to pay said: How should I pay blood-money for one who has neither drunk nor eaten, nor spoken nor wept—the blood of such a being is absurd. The Apostle of Allah (may peace be upon him) said: The man is a brother of the *kāhins*.[416]

(1486) Rabī'ah b. Abī 'Abd al-Raḥmān said that the blood-money paid in lieu of a child in the womb by way of a slave or slave-girl should amount to fifty dīnārs or 600 dirhams. A free Muslim woman's blood-money is 500 dīnārs or 6000 dirhams.

Chapter 475

WHEN FULL BLOOD-MONEY BECOMES PAYABLE

(1487) Sa'īd b. al-Musayyab reported that the blood-money for both the lips is full, and in case of the lower lip it is only one-third of the (full) blood-money.

415. Imām Mālik said: In *mūḍiḥah* and *munaqqilah*, the blood-money of a man and a woman is equal, but in *māmūmah* and *jā'ifah*, in which one-third of blood-money is due, the blood-money of a woman is half that of a man.

416. The Holy Prophet (may peace be upon him) said this in view of the euphemistic language used by the man, which he hated.

Chapter 476

BLOOD-MONEY FOR THE LOSS OF EYESIGHT WHEN THE EYE IS INTACT

(1488) Zaid b. Thābit said : When the eyes remain, but the light is gone, the blood-money is 100 dīnārs.

Chapter 477

BLOOD-MONEY FOR WOUNDS

(1489) Yaḥyā b. Sa'īd reported that he heard Sulaimān b. Yasār stating that the *mūḍiḥah* of the face is the same as that of the head, but if on that account the face should be disfigured, the blood-money will be increased to the extent of half of the *mūḍiḥah* of the head, and it will necessitate payment of seventy-five dīnārs.

(1490) Sa'īd b. al-Musayyab reported that if a wound should go right across a limb it would necessitate one-third of the blood-money of that limb.

(1491) Rabī'ah b. Abī 'Abd al-Raḥmān reported that 'Abd Allah b. Zubair inflicted *munaqqilah* in retaliation.[417]

Chapter 478

BLOOD-MONEY FOR FINGERS

(1492) Rabī'ah b. Abī 'Abd al-Raḥmān reported : I asked Sa'īd b. al-Musayyab regarding the blood-money of a woman's finger. He answered : Ten camels. I asked : In case of two fingers ? He replied : Twenty camels. I said : When it is three fingers ? He said : Thirty camels. I said : In case of four ? He said : Twenty camels. I said : How fine ! when the injury is greater and the harm more, the blood-money has become less ! He asked : Are you an 'Irāqī[418] ? I said : No, but I stick to a thing that I know and enquire about what I do not know. He replied : The *Sunnah* is likewise, O my brother's son !

417. Imām Mālik said : The lower jaw and the nose are not parts of the head.

418. The 'Irāqīs were notorious for making use of analogy even ignoring the *Ḥadīth*.

Chapter 479

BLOOD-MONEY FOR TEETH

(1493) Aslam, the freedman of 'Umar b. al-Khaṭṭāb, reported that 'Umar b. al-Khaṭṭāb ordered the blood-money of one camel for a tooth, a camel for collar bone and a camel for a rib.

(1494) Sa'īd b. al-Musayyab reported : 'Umar b. al-Khaṭṭāb ordered one camel (as blood-money) for each tooth, and Mu'āwiyah ordered five camels for each. Ḥaḍrat 'Umar b. al-Khaṭṭāb ordered a decrease and Mu'āwiyah ordered an increase. I personally would have ordered the payment of two camels for each tooth so that the blood-money may be complete.

(1495) Sa'īd b. al-Musayyab reported : When the tooth is injured and blackened, full blood-money becomes payable. also if it blackens and falls.

Chapter 480

MORE ON THE BLOOD-MONEY FOR TEETH

(1496) Abī Ghaṭfān b. Ṭarīf Murī reported that Marwān b. Ḥakam sent him to 'Abd Allah b. 'Abbās to enquire about the blood-money for a tooth. Ibn 'Abbās said : It is five camels. Marwān sent him again and asked whether the front and the back teeth have equal blood-money. Ibn 'Abbās replied : It would have been sufficient if you had thought of teeth as of fingers.

(1497) 'Urwah b. Zubair reported that (in early times) the blood-money of every tooth was the same. None exceeded the other.

Chapter 481

THE BLOOD-MONEY FOR INJURIES INFLICTED ON A SLAVE

(1498) Mālik reported that it reached him that Sa'īd b. al-Musayyab and Sulaimān b. Yasār said that in lieu of the *mūḍiḥah* of a slave

one-twentieth of his price was payable as blood-money.

(1499) Marwān b. Ḥakam used to order that in case a slave was injured, the reduction effected in the slave's price (on account of the wound) would be his blood-money.

Chapter 482

BLOOD-MONEY FOR *AHL AL-DHIMMAH*

(1500) Mālik reported that it reached him that 'Umar b. 'Abd al-'Azīz ordered that the blood-money of a Jew or a Christian who is killed was half that of a free Muslim.

(1501) Yaḥyā b. Sa'īd reported that Sulaimān b. Yasār used to say that the blood-money of a Magi (fire-worshipper) was 800 dirhams.

Chapter 483

MURDER FOR WHICH THE MURDERER HAS TO PAY BLOOD-MONEY FROM HIS PROPERTY

(1502) 'Urwah b. Zubair used to say that for an intentional murder the blood-money is not payable by the *'āqilah*[419] but by the murderer himself. The *'āqilah* pays blood-money only in case of unintended murder.

(1503) Ibn Shihāb said that an *'āqilah* is not burdened with the blood-money for an intended murder except that he should volunteer to pay.

(1504) Yaḥyā b. Sa'īd has also reported to the same effect.

Chapter 484

INHERITANCE IN BLOOD-MONEY

(1505) Ibn Shihāb reported that 'Umar b. al-Khaṭṭāb summoned

419. Any other person on behalf of the murderer.

the people at Minā and said: Whoever knows about blood-money will state the facts to me. Ḍaḥḥāk b. Sufyān Kalabī stood up and said: The Apostle of Allah (may peace be upon him) had written to me to have the inheritance given over to the wife of Ashyam al-Ḍababı from the blood-money of her husband. 'Umar b. al-Khaṭṭāb said: Go into the tent until I come. When 'Umar b. al-Khaṭṭāb came in, Ḍaḥḥāk gave the same account and 'Umar b. al-Khaṭṭāb decided accordingly. Ibn Shihāb stated that Ashyam was killed accidentally.

(1506) 'Amr b. Shu'aib reported: A man from Banū Mudlaj, by name Qatādah, struck his son with the sword and it hit his shin and blood flowed out and he died. Surāqah b. Ju'sham came and reported (the matter) to 'Umar b. al-Khaṭṭāb. 'Umar b. al-Khaṭṭāb said: Keep 120 camels ready by the water of Quadaid[420] by the time I arrive there. When 'Umar b. al-Khaṭṭāb arrived at the place he took out of his flock of camels thirty *hiqqahs*, thirty *jadh'ahs* and forty *khalifahs* (pregnant she-camels) and then asked where the brother of the murdered was and said to him: Take them all, for the Apostle of Allah (may peace be upon him) declared that a murderer is deprived from inheritance.[421]

(1507) Mālik reported that it reached him that Sa'īd b. al-Musayyab and Sulaimān b. Yasār were asked whether he would be strict in realising blood-money in case of murder in the holy months (Muḥarram, Rajab, Dhī Qa'dah and Dhi'l-Ḥajj). He said: No, but in view of the sanctity of the months it would be enhanced. Sa'īd was again asked: If a wound be inflicted on a man in these months, would the blood-money be increased as in case of murder? Sa'īd said: Yes. Mālik said: I think that the increase affected by the two was in view of what 'Umar b. al-Khaṭṭāb had decided when the Mudlajı had killed his son.[422]

(1508) 'Urwah b. Zubair reported that an Anṣārı whose name was Uḥaiḥah b. al-Julāḥ, had an uncle (father's brother) younger to him

420. A place midway between Mecca and Medina.

421. Both from property aud blood-money.

422. The blood-money was the same 100 camels, but a selection was so made as to enhance the total value.

who lived with his mother's family. Uḥaiḥah murdered him. The mother's family said : We brought and bred him up and when he grew up his nephew killed him and took over his inheritance. 'Urwah said : It is for this reason that (in Islam) a murderer does not inherit from the one murdered.

Chapter 485

ON MISCELLANEOUS MATTERS REGARDING BLOOD-MONEY

(1509) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) declared : There is no blood-money if an animal inflicts harm, if one dies by a fall in the well, and if a worker dies while digging, but there is one-fifth share for one in case of a treasure.[423]

Chapter 486

ON KILLING BY DECEIT OR SORCERY

(1510) Sa'id b. al-Musayyab reports that 'Umar b. al-Khaṭṭāb had five or six persons executed for the murder of one man. They had murdered him by deceit. 'Umar said : If the entire populace of Ṣan'ā' had been accomplices (in the murder), I would have executed them all.

(1511) Muḥammad b. 'Abd al-Raḥmān b. Sa'd b. Zurārah reported that it reached him that Ḥafṣah, wife of the Prophet (may peace be

423 In case an animal wounds or kills a man without excitement of its owner, the owner is not liable to pay any blood-money. Similarly, is a labourer dies while digging a well or if one is killed during a mine blast, the employer is not to pay any compensation. Mālik said : If an animal inflicts injury on a man, the man pulling it or pushing it or riding it is liable to pay the blood-money, but if the animal kicks the man of its own accord, there is no blood-money. Ḥaḍrat 'Umar ordered payment of blood-money by a rider who killed a man under a galloping horse. Mālik argued that when one galloping a horse is liable, the one who pulls, the one who pushes and the rider should be made liable to pay blood-money.

upon him), killed a slave-girl who had used sorcery on her. She had previously made her *mudabbir*. The order for her execution was given and the slave-girl was executed.

Chapter 487

ON INTENTIONAL MURDER[424]

(1512) 'Umar b. Ḥusain, freedman of 'A'ishah, daughter of Qudāmah, reported that a man was killed by another by means of a rod. 'Abd al-Malik b. Marwān gave over the murderer to the guardian of the deceased. He too killed him with a rod.

Chapter 488

ON RETALIATION FOR MURDER

(1513) Mālik reported that it reached him that Marwān b. al-Ḥakam wrote to Mu'āwiyah b. Abū Sufyān that a man in the state of intoxication murdered another. Mu'āwiyah in reply wrote: You too kill him.

Chapter 489

ON PARDONING AN INTENTIONAL MURDERER

(1514) It reached Mālik from several learned men that it is well when a murdered man at the point of death should pardon his murderer, in case of wilful murder. He is more entitled to his blood than his heirs.[425]

424. Most of the *'Ulamā'* are of opinion that by intentional murder is meant murdering a person with the intention of killing him whether by a stick, arrow or sword. But Abū Ḥanīfah says that the killing should be by a sharp or pointed iron weapon.

425. Mālik said: A murderer whom the murdered person, at the time of his death pardons, is not liable to pay blood-money except when he obtains the dying man's consent to pay blood-money instead of retaliation.

Mālik said: Even if the murderer is pardoned by the murdered person, the murderer will be struck with one hundred strokes of the whip and will be imprisoned for a year.

Mālik said: If the sons of the murdered person pardon the murderer the murderer will not be punished even if the murdered person's daughters do not pardon him as, in the presence of sons, the daughters have no say in the matter.

Chapter 490

RETALIATION FOR INJURIES

(1515) It reached Mālik that Abū Bakr b. Ḥazm retaliated for breaking his thigh.

Chapter 491

BLOOD-MONEY FOR A *SĀ'IBAH*[426]

(1516) Sulaimān b. Yasār reported : A *sā'ibah* who had been freed by a *Ḥājī*, killed the son of a man of Banī 'Ā'iḍh. The father of the deceased came to 'Umar b. al-Khaṭṭāb claiming the blood-money. 'Umar said : There is no blood-money in the case. The man said : If my son had killed, what would have you ordered ? He replied : Then you would have to pay blood-money. The man replied : In that case, *sā'ibah* is a spotted snake ; if left away ; it strikes, if struck, if takes revenge.

426. *Sā'ibah*—a slave whose master frees on condition that he (the master) would not inherit him. If such a slave commits a crime, the master will not be liable to pay blood-money for him.

XXVIII. KITĀB AL-QASĀMAH[427]

Chapter 492

ON TAKING OATH FROM THE HEIRS BEFORE *QASĀMAH*

(1517) Sahl b. Abī Ḥathmah was informed by some respectable men of his tribe that 'Abd Allah b. Sahl and Muḥayyiṣah left for Khaibar on account of poverty and destitution. A man came to Muḥayyiṣah, and stated that 'Abd Allah b. Sahl had been killed and thrown into a well or a spring. Muḥayyiṣah, hearing this, went to the Jews of Khaibar and said: By Lord, it is you who have killed him. They said: We swear by Lord, we did not kill him. He went to his people and informed them about the case. Thereafter he and his elder brother Ḥuwayyiṣah and 'Abd al-Raḥman b. Sahl (brother of the deceased) approached the Apostle of Allah (may peace be upon him). He wanted to speak himself for he had gone to Khaibar, but the Apostle of Allah (may peace be upon him) said: Let elderliness count, let elderliness count! Ḥuwayyiṣah then spoke first and then Muḥayyiṣah. The Apostle of Allah (may peace be upon him) asked whether the Jews should pay the blood-money or be warred against. The Apostle of Allah (may peace be upon him) then wrote to the Jews about the matter. They replied: We swear by God that we did not kill him. The Apostle of Allah (may peace be upon him) then asked Ḥuwayyiṣah and 'Abd al-Raḥmān: Could you swear so that you may be entitled to the blood-money of your companion? They said: No. The Apostle of Allah (may peace be upon him) said: If the Jews should swear (that they had not killed him), what then? They replied: Apostle of Allah, they are not Muslims. The Apostle of Allah (may peace be upon him) then himself paid the blood-money, and sent to

427. By *qasāmah* is meant taking oath from the dependants of the murdered person or from those who are suspected of murder.

their home one hundred camels. Sahl reported that a red she-camel kicked him.

(1518) Bushair b. Yasār reported that 'Abd Allah b. Sahl Anṣārī and Muḥayyiṣah b. Mas'ūd went to Khaibar and after arriving there dispersed for their respective tasks. Somebody killed 'Abd Allah b. Sahl, Muḥayyiṣah, his brother Ḥuwayyiṣah and 'Abd al-Raḥmān b. Sahl went to the Apostle of Allah (may peace be upon him). 'Abd al-Raḥmān wanted to speak in his brother's case. The Apostle of Allah (may peace be upon him) said: Pay elderliness its due. Ḥuwayyiṣah and Muḥayyiṣah then stated the facts regarding 'Abd Allah b. Sahl. The Apostle of Allah (may peace be upon him) asked them whether they would take fifty oaths (that so and so killed him), for if they should do so, they would become entitled to revenge upon the murderer for the blood of their (companion). They said: Apostle of Allah, we were neither present nor did we see it. The Apostle of Allah (may peace be upon him) said: The Jews would then swear fifty times and be indemnified. They said: Apostle of Allah, they are unbelievers. How can we accept their oath? Bushair b. Yasār said: The Apostle of Allah (may peace be upon him) then paid the blood-money from his own pocket.

XXIX. KITAB AL-HUDUD

Chapter 493

REGARDING (THE PUNISHMENT OF) *RAJM* (STONING)

(1519) 'Abd Allah b. 'Umar reported that some Jews came to the Apostle of Allah (may peace be upon him) and reported that a man and woman from amongst them had committed adultery. The Apostle of Allah (may peace be upon him) asked what their Torah commanded about stoning. The Jews replied: If anyone amongst us committed adultery we demean him and whip him. 'Abd Allah b. Salām spoke out: You are all telling lies. In Torah, the order is of stoning. Fetch it and read. They opened the Torah and one of them put his hand on the verse regarding stoning and read out verses before and after. 'Abd Allah b. Salām asked him to life up his hand and as he did so the verse regarding stoning was there. They all said: Muḥammad, ye spoke the truth. The verse regarding stoning is there. The Apostle of Allah (may peace be upon him) then ordered the stoning. 'Abd Allah b. 'Umar reported: I saw the man bending over the woman to protect her from the stones.

(1520) Sa'īd b. al-Musayyab reported that a man from the tribe of Aslam[428] came to Abū Bakr Siddiq and reported, pointing to himself: This base fellow has committed adultery. Abū Bakr Ṣiddiq asked: Have you spoken of this to any other? He said: No. Abu Ṣiddiq said: Repent before the Lord and take refuge in the Lord (do not speak to anyone) for the Lord accepts the repentance of His creatures. The man's conscience did not feel satisfied and he went to 'Umar b. al-Khaṭṭāb and stated facts as he had done to Abū Bakr. 'Umar gave him the reply which Abū Bakr had given. His conscience did not feel

428. He was Mā'iz b. Mālik.

satisfied still, and he went to the Apostle of Allah (may peace be upon him) and said: This base bellow had committed adultery three times. The Apostle of Allah (may peace be upon him) turned his face away from his every time. When the man was insistent, the Apostle of Allah (may peace be upon him) asked his people: Is this man ill or has he gone mad? They said: Apostle of Allah, by the Lord, he is healthy. The Apostle of Allah (may peace be upon him) asked: Is he married or a bachelor? They said: Apostle of Allah, he is married. The Apostle of Allah (may peace be upon him) ordered him to be stoned.

(1521) Sa'īd b. al-Musayyab reported that it reached him that the Apostle of Allah (may peace be upon him) told a man named Hazzāl, of the tribe of Aslam: Hazzāl, it would have been well for you if you had kept it a screened secret (the news of the adultery of Mā'iz). Yaḥyā b. Sa'īd said: I related this *ḥadīth* to a company of men amongst whom was sitting Yazīd b. Nu'aim b. Hazzāl Aslamī. Yazīd said; Hazzāl was my grandfather and the *ḥadīth* is true.

(1522) Ibn Shihāb reported that a man in the time of the Apostle of Allah (may peace be upon him) acknowledged having committed adultery and confessed it four times. The Apostle of Allah (may peace be upon him) then ordered and he was stoned. Ibn Shihāb said: This is the reason why a man who testifies against himself is punished.

(1523) 'Abd Allah b. Abī Mulaikah reported that a woman came to the Apostle of Allah (may peace be upon him) and told him: I have committed adultery, and she was pregnant. The Apostle of Allah (may peace be upon him) asked her to come after delivery. When she was delivered, she came. He said: Go and come when your child is weaned. She came after weaning. The Apostle of Allah (may peace be upon him) said: Go and deliver your child to the care of somebody. She did so and came (back), and she was stoned.

(1524) Abū Hurairah and Zaid b. Khālid Juhanī reported: Two persons quarrelled and came to the Apostle of Allah (may peace be upon him). One said: Apostle of Allah, decide between us in accordance with the Book of Allah. The other who was more sensible said: Yes, Apostle of Allah, decide in accordance with the Book of Allah and permit me to speak. He (the Apostle) asked him to speak out. He

said: My son was employed with this man; he committed adultery with his wife. The people say that my son deserves to be stoned. I gave 100 sheep and a slave-girl as *fidyah* on his behalf. I then asked the learned men who said that my son should be whipped a hundred times and exiled for a year and that his wife is liable to be stoned as a punishment. The Apostle of Allah (may peace be upon him)said: I will take a decision for you both in accordance with the Book of Allah. Thy sheep and slave-girl are thy property, take them back; the boy shall be whipped a hundred times and exiled for a year. He then asked Unais Aslamī to go to the other man's wife and ask if she admits of adultery, in which case stone her. She confessed and was stoned.

(1525) Abū Hurairah reported that Sa'd b. 'Ubādah said to the Apostle of Allah (may peace be upon him : If I find a man with my wife, shall I give time until the gathering of four witnesses. The Apostle of Allah (may peace be upon him) told him: Yes.

(1526) 'Abd Allah b. 'Abbās reported: I heard 'Umar b. al-Khaṭṭāb saying: It is true that stoning is mentioned in the Book of Allah. The man or woman, who should have committed adultery and be married, shall be stoned, in case adultery is proved by witnesses or by pregnancy or by confession.

(1527) Abū Wāqid Laithī reported that a man came to 'Umar b. al-Khaṭṭāb when he was in Syria and said: I found a man with my wife. 'Umar b. al-Khaṭṭāb sent Abū Wāqid Laithī to the woman to enquire. Abū Wāqid Laithī found her seated amongst other women. He related to her what her husband had reported to 'Umar b. al-Khaṭṭāb and also said that his mere report did not subject her to any punishment. He also prompted her so that she may not confess. But she did not agree and confessed of adultery. 'Umar gave the order and she was stoned.

(1528) Sa'īd b. al-Musayyab reported that when 'Umar b. al-Khaṭṭāb returned from Minā,[429] he seated his camel at Abṭaḥ[430] and, keeping stones in one place, put his sheet upon it and lay down on his back (making that a pillow) and then raised both his hands towards

429. This was the last pilgrimage in 23 H. offered by Ḥaḍrat 'Umar.

430. A place near Mecca, also called Muḥaṣṣib.

the sky and said : O Lord, my account has increased, my strength has decreased and my subjects have expanded ; raise me up to Thee now so that I may not waste Thy commands or lessen my devotion of Thee. He then arrived at Medina and preached his sermon to the people saying : O people ! all paths have been opened out and all duties presented and you have been put on the plain paths. Let it not happen that you should stray to the right or the left. He then struck one hand over the other and said : See that you do not forget the verse about stoning and say : We do not find it in the Book of Allah ; the Apostle of Allah (may peace be upon him) had ordered stoning and we too have done so, after him. By the Lord Who holds possession of my life, if people should not accuse me of adding to the Book of Allah, I would have this transcribed therein :

اَلشَّيْخُ وَالشَّيْخَةُ إِذَا زَنَيَا فَارْجُمُوهُمَا ‎.

[Should an old man or woman commit adultery, stone them].

We have read this verse (then its recitation was stopped, but the command remains effective till the Last Day). Thereafter said Sa'īd b. al-Musayyab : The month of Dhū al-Ḥajj had not ended when 'Umar b. al-Khaṭṭāb (may Allah be pleased with him) was assassinated.[431]

(1529) Mālik said that it reached him that a woman came to 'Uthmān b. 'Affān who delivered a child after six months (of her marriage). He ordered her to be stoned. 'Alī b. Abū Ṭālib said : Stoning does not apply in her case. Allah says in His Book that pregnancy and weaning of the child take thirty months and in another place He commands that mothers should feed their babies for two complete years (the full milk period). As only six months of pregnancy have expired, the stoning does not become effective. Upon this 'Uthmān b. 'Affān sent people after the woman to stop stoning her, but found that she had already been stoned.

(1530) Mālik reported that he asked Ibn Shihāb what the order was regarding a man committing sodomy. Ibn Shihāb said that he should be stoned whether he be married or unmarried.

431. At the hands of one Fīrūz the Magi ; thus Allah accepted the prayer of Ḥaḍrat 'Umar and he was martyred.

Chapter 494

ABOUT A PERSON ADMITTING OF ADULTERY

(1531) Zaid b. Aslam reported that a man during the time of the Apostle of Allah (may peace be upon him) sent for a whip and it was one of which the end had not yet been cut. He sent for one more tender. Then was brought a whip which was broken. He sent for a harder one. Then was brought a whip that had been used in riding and had become softened. He ordered whipping with it. Then he said: O people, keep back from Allah's limits. He who sins in this fashion should keep hidden under Allah's shelter and he who should open out his screen, we shall punish him in accordance with the limits imposed by the Book of Allah.

(1532) Ṣafīyyah, daughter of Abī 'Ubaid, reported that a man was brought to Abū Bakr Ṣiddīq who had committed adultery with a maiden slave-girl and made her pregnant. Later he confessed to the act of adultery and he was not married. Abū Bakr Ṣiddīq ordered him to be whipped and he was exiled towards Fidak.[432]

Chapter 495

MISCELLANEOUS *AḤĀDĪTH* ON THE PUNISHMENT FOR ADULTERY

(1533) Abū Hurairah and Zaid b. Khālid Juhannī reported that someone asked the Apostle of Allah (may peace be upon him) as to what would accrue if an unmarried slave-girl shall commit adultery. He said: If she should commit adultery, whip her. If she should commit it again, whip again; if she persists, sell her off even in return for a rope. Mālik says that Ibn Shihāb said: I am not aware whether the Apostle of Allah (may peace be upon him) said this thrice or four

432. A place two days' distant from Medina.

Mālik said that a man, after having admitted that he has committed adultery, denies and says that he has not committed adultery but something else, for example cohabitation with his wife during menstruation which he thought amounted to adultery, he will not be liable to the punishment prescribed for adultery. This because the *hadd* needs witnesses or confession on which he remains till he is punished.

times. Mālik said that the word *ḍafīr* is used to signify a rope.

(1534) Nāfi' reported that a slave was appointed to look after the slaves and slave-girls who had arrived as a *khumus*. He raped one of the slave-girls. 'Umar b. al-Khaṭṭāb had him whipped and dismissed him. He did not order the girl to be whipped, because she had succumbed under coercion.

(1535) 'Abd Allah b. 'Ayyāsh b. Abī Rabī'ah al-Makhzumı reported: I and several young men of the Quraish were ordered by 'Umar b. al-Khaṭṭāb to whip and we whipped fifty times each of the slave-girl for adultery. These girls belonged to the *Bait al-Māl.*

About a Woman Who is Taken Away by Force and is Raped

Mālik said : If a woman becomes pregnant and she has no husband and she says that she had been forcedly raped or that she entered into wedlock, it will not be accepted from her. She will be punished unless she produces witnesses to her marriage or proves that she was forcedly raped. In the latter case she should either be bleeding after rape or she should have raised a hue and cry thus gathering people round her.

Mālik said that if a man rapes a woman, he should not marry her until she undergoes three monthly courses. If pregnancy is suspected, he should not marry her until the doubt is removed.

Chapter 496

ON FALSELY ACCUSING A WOMAN OF ADULTERY, DENYING ONE'S DESCENT AND ABUSING ONE BY HINTS

(1536) Abī Zinād reported: 'Umar b. 'Abd al-'Azīz gave eighty lashes to a slave as punishment for *qadhf*.[433] I asked 'Ubaid Allah b. 'Āmir about it. He said: I saw 'Umar b. al-Khaṭṭāb, 'Uthman b. 'Affān and other *Khalīfahs* after them, but none ordered more than forty lashes to a slave for *qadhf.*

(1537) Zuraiq b. Ḥakīm reported: A man named Miṣbāḥ summoned his son for some work. He was late in coming. When he came, the father called out to him: O adulterer! The son complained to

433. *Qadhf* is falsely accusing a modest pure Muslim woman of adultery.

me. I wished to have the father whipped. The son cried out: If you should want to whip my father, I shall confess to adultery.[434] I was filled with wonder and found it hard to decide. I wrote to 'Umar b. 'Abd al-'Aziz in this respect. He was at the time the Governor of Medina. 'Umar b. 'Abd al-'Azīz replied: Let the pardon of the boy (given in relation to his father) be considered acceptable. I had written to 'Umar b. 'Abd al-'Aziz asking also what the procedure should be if a man falsely charged another with adultrey or charged his parents and both the parents or one of them should be dead. 'Umar b. 'Abd al-'Azīz wrote in reply: If the man who is falsely charged pardons the offender, it is well, but if the charge is against the parents, it would not be right to pardon. If the parents—both or one of them—should have died, punish him according to the Book of Allah. But if the son should pardon, with a view to hiding the condition of the parents, the pardon is valid.

(1538) 'Urwah b. Zubair reported: if a man should in one breath or through one statement falsely charge a number of men with adultery, he will be subject to only one punishment (of eighty strokes of whip).

(1539) 'Amrah, daughter of 'Abd al-Raḥmān, reported: In the time of 'Umar b. al-Khaṭṭāb, two men abused each other. One said to the other: By Lord, as for my father, he was not an adulterer, nor was my mother an adulteress. 'Umar b. al-Khaṭṭāb held a consultation. One man said: Where is the harm? He spoke in praise of his father and mother! The others said: Did the praise of his father and mother consist only in this? In our opinion, he should be punished.[435] 'Umar b. al- Khaṭṭāb punished him with eighty lashes.

434. So that the punishment for *qadhf* may be removed from his father for it is imposed only when the charge of fornication is not established by witnesses or acceptance by the accused.

435. Because in his abuse was a hidden taunt on the other that his father was an adulterer or his mother was an adulteress. According to Abū Ḥanīfah and Shāfi'ī, no punishment is leviable in such a case.

Imām Mālik said: There is no punishment but in case of *qadhf* or *nafi* (for example, saying that one is not the son of one's father), or *ta'riṣ* (i.e. abusing one by hints) when full punishment is awarded.

Imām Mālik said: When one negatives someone's fatherhood, punishment becomes due even if the mother of the person is a slave-woman.

Where No Punishment is Due

Imām Mālik said : A part-owner of a slave-woman cohabiting with her is not awarded punishment. The child born out of the act would be related to him and the price of the slave-woman falling to the share of other owners would be paid to them and she would become the sole property of that person.

Imām Mālik further said : If a person gifts away his slave-girl to somebody, permitting him to cohabit with her (though this is not correct), and that person cohabits with her, he shall have to pay her price, whether or not she becomes pregnant, and there would be no punishment. If a daughter is born, she would be related to him.

Imām Mālik said : If a person cohabits with the slave-girl of his son or daughter, there would be no punishment, but he will pay the slave-girl's price, pregnant or not.

(1540) Rabī'ah b. Abī 'Abd al-Raḥmān reported: A man went on a journey with the slave-girl of his wife and cohabited with her (on the way). The wife, in envy, reported it to 'Umar b. al-Khaṭṭāb who enquired of the man. The man replied that his wife had made a gift of the slave-girl to him. 'Umar b. al-Khaṭṭāb said: Either you bring witness to attest to the gift or I shall have you stoned. At that the wife spoke out: I had given her as a gift.

XXX. KITAB AL-SARQAH

Chapter 497

ON THE THEFT FOR WHICH THE HAND IS CUT OFF

(1541) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) ordered the cutting of the hand for the theft of a shield worth three dirhams.

(1542) 'Abd Allah b. 'Abd al-Raḥmān b. Abī Ḥusain al-Makkī reported that the Apostle of Allah (may peace be upon him) said: The theft of fruit hanging from a tree or of a sheep straying on the hill-side will not entail the cutting of a hand. When the sheep should come home or the fruit, after cutting, should be kept somewhere for drying and they should be stolen, the hand will be cut, provided the price is equivalent to the shield (three dirhams or more).

(1543) 'Amrah, daughter of 'Abd al-Raḥmān, reported that a man stole a citrus in the time of 'Uthmān b. 'Affān who had its price assessed. It was found to be worth three dirhams at the rate of twelve dirhams to a dinar. 'Uthmān b. 'Affān had his hand cut.

(1544) 'Ā'ishah, wife of the Prophet (may peace be upon him), declared: It was neither long ago, nor have I forgotten, that the hand of a thief was cut for stealing (something) worth a quarter of a dīnār or more.

(1545) 'Amrah, daughter of 'Abd al-Raḥmān, reported that 'Ā'ishah, wife of the Prophet (may peace be upon him), went to Mecca. She had two slave-girls with her whom she had freed and a slave belonging to the tribe of 'Abd Allah b. Abū Bakr Ṣiddīq. 'Ā'ishah sent through those slave-girls a sheet of cloth with pictures of men on it. It was rolled up and sewn in a green cloth. The slave broke the stitches, took away the cloth and replaced it by a skin or a bag and sewed it up again. When the slave-girls reached Medina and delivered the parcel at its destination, they opened it and saw that there was no

sheet but a skin instead. The slave-girls were questioned and the girls asked or wrote about it to 'Ā'ishah and stated that they suspected the slave. When the slave was asked, he confessed. 'Ā'ishah, wife of the Prophet (may peace be upon him), ordered his hand to be cut and it was cut. 'Ā'ishah declared that the hand was cut for a quarter of a dinār or more.

Chapter 498

CUTTING OF THE HAND OF A SLAVE WHO FLEES AND THEN COMMITS THEFT

(1546) Nāfi' reported that a slave of 'Abd Allah b. 'Umar committed theft and ran away. 'Abd Allah b. 'Umar had him sent to Sa'īd b. al-'Āṣ, the Governor of Medina, for his hand being cut. Sa'īd b. al-'Āṣ demurred and said: When a person flees, his hand is not cut. 'Abd Allah b. 'Umar asked in which book of God he had found such an order, and he himself ordered the hand to be cut.

(1547) Zuraiq b. Ḥakīm caught a slave who had committed theft and fled. He found the case hard to decide and wrote to 'Umar b. 'Abd al-'Azīz (who was at the time the Caliph), stating: I have heard that if a slave runs away and commits theft, his hand would not be cut off. 'Umar b. 'Abd al-'Azīz, referring to my statement, replied: You state that you heard that if a slave who had fled should commit theft, his hand would not be cut. The fact is, however, that the command of the Lord is that whoever, man or woman, should commit theft, his hand should be cut. This was the punishment for the crime, and punishment comes from the Lord Who is All-Powerful and All-Wise. Hence if the slave in question has committed theft to the extent of a quarter of a dinār or more, cut off his hand.

(1548) Qāsim b. Muḥammad and Sālim b. 'Abd Allah and 'Urwah b. Zubair said: If a slave, who has fled, should commit theft to the extent for which the cutting of the hand becomes obligatory, his hand should be cut off.

Chapter 499

WHEN THE THIEF REACHES THE RULER, NO RECOMMENDATION IS TO BE MADE

(1549) Ṣafwān b. 'Abd Allah b. Ṣafwān reported that someone told Ṣafwān b. Umayyah that he who did not migrate was undone. Ṣafwān b. Umayyah arrived at Medina and putting his sheet of cloth under his head fell asleep in the Prophet's mosque. A thief came and stole it. Ṣafwān woke up and caught him and took him to the Apostle of Allah (may peace be upon him). The Apostle of Allah (may peace be upon him) asked the man: Have you stolen his sheet? He said: Yes. The Apostle of Allah (may peace be upon him) ordered his hand to be cut. Ṣafwān pleaded: That was not my intention, Apostle of Allah; the sheet of cloth is a gift from me to him. The Apostle of Allah (may peace be upon him) said: You should have done so before bringing him to me.

(1550) Rabī'ah b. Abī 'Abd al-Raḥmān reported that Zubair b. 'Awwām met a man who was dragging a thief to the judge. Zubair recommended that he may be left off. He said that he would never do so until he takes him to the judge. Zubair said: If you take him to the judge, the curse of Allah be on him) who recommends and on him who listens to the recommendation.

Chapter 500

ON MISCELLANEOUS MATTERS RELATING TO CUTTING OF HAND

(1551) Qāsim b. Muḥammad reported: A dweller of Yemen, with his right hand and left foot cut,[436] arrived at Medina and stayed at Abū Bakr Ṣiddīq's and told him: The Governor of Yemen has treated me cruelly. He used to pray at nights. Abū Bakr Ṣiddīq said: By thy father, your nights are not the nights of a thief. By chance a necklace of Asmā', daughter of 'Umais and wife of Abū Bakr Ṣiddīq, was lost. The stranger began searching it with others and kept on saying: May

436. He should have committed theft twice.

the Lord destroy him who committed theft in the house of such good and virtuous people ! The necklace was traced to a goldsmith who said that it was the stranger who had given it to him. The stranger confessed to the act, or it was proved. Abū Bakr Ṣiddīq ordered his left hand to be cut and said : By Lord, his curses which he pronounced on himself seemed to me to be harsher than the theft.

(1552) Abī Zinād reported that one of the officers of 'Umar b. 'Abd al-'Azīz captured some men for dacoity. But they had not committed murder. The officer desired to cut off their hands or behead them, but then he referred the matter to 'Umar b. 'Abd al-'Aziz. He replied : It would be better if you adopt the easier course.[437]

Imām Mālik said : In my opinion, a person stealing something worth a quarter of a dīnār from a container in which the owner has kept it safe, is liable to have his hand cut off, irrespective of the fact that the owner is there or not, or it is night or day.

Mālik said that even if the thief returns the stolen property to the owner, his hand would be cut off : it is like a man who has drunk wine and emits its odour, although he may not be intoxicated; he would be punished, because he had taken wine for intoxication.

Imām Mālik said : If a group of men enter a house for stealing and take away a box, the hand of each one of them would be cut off if the property stolen is worth a quarter of a dīnār. If every one of them takes something separately, the hand of only that person would be cut who has in his possession stolen property worth a quarter of a dīnār.

Imām Mālik said : If a man steals something from a house where a single person lives but keeps the stolen property in the house and does not take it out of the house, his hand would not be cut off unless he takes it out of the house. However, if there are various apartments in the house occupied by different persons, and a man keeps the stolen property in one of the apartments, his hand would be cut off.

Imām Mālik expressed his opinions on other cases as follows :

If a slave or a slave-girl has access to a house and the owner trusts him or her, if he or she steals something, his or her hand would not be cut off, but if he or she steals the property of the wife of the owner or of the husband of the owner, his or her hand would be cut off.

Similarly, if the husband steals something of his wife which is kept, not in the house where they live, but in another place, or the wife does the same thing, the hand would be cut off.

437. For example, cutting of hand and foot or exile.

Chapter 501

ON CASES OF THEFT WHEN THE HAND IS NOT CUT

(1553) Muḥammad b. Yaḥyā b. Ḥabbān reported that a slave stole a date plant from the garden of a man and planted it in the garden of his master. The owner of the plant set out in search, found it and accused the slave before Marwān b. Ḥakam. Marwān b. Ḥakam put the slave in prison and wanted to cut his hand. The master of the slave went to Rāfi' b. Khadīj (a Companion of the Prophet) and asked about the case. Rāfi' informed him that he heard from the Apostle of Allah (may peace be upon him) saying that the hand will not be cut in cases of plants or fruits. The master reported: Marwān has seized a slave of mine and wants to have his hand cut. I beg that you will go with me and tell Marwān what you have heard from the Apostle of Allah (may peace be upon him). Rāfi' went with him to Marwān b. Ḥakam and asked Marwān: Have you seized this man's slave? Marwān said: Yes. Rāfi' asked as to how he will deal with him. He said: I shall have his hand cut. Rāfi' said: I heard the Apostle of Allah (may peace be upon him) declaring that in cases of the theft of plants and fruits, the hand will not be cut. On hearing this, Marwān ordered the slave to be released.

(1554) Sā'ib b. Yazīd reported that 'Abd Allah b. 'Amr b. Ḥaḍramī brought a slave of his to 'Umar b. al-Khaṭṭāb and asked his hand to be cut for he had committed theft. 'Umar b. al-Khaṭṭāb asked what he had stolen. He said that he had stolen his wife's mirror that was worth sixty dirhams. 'Umar b. al-Khaṭṭāb said: Leave him, his hand will not be cut. He was your servant and stole your property.[438]

(1555) Ibn Shihāb reported that a man who had stolen and run off with someone's property was taken before Marwān b. Ḥakām. Marwān wanted to cut off his hand, but before doing so he sent a man to Zaid b. Thābit to ask (his opinion) in the matter. Zaid b. Thābit said: The hand of a run-away thief will not be cut.

(1556) Abū Bakr b. Muḥammad b. 'Amr b. Ḥazm seized a man

438. This is the opinion of Imām Abū Ḥanīfah and most of the scholars, but, according to Imām Mālik, the hand of a slave stealing the property of the wife of his owner would be cut off.

of Nabṭ who had stolen finger-rings of iron and put him in prison with a view to cutting off his hand. 'Amrah, daughter of 'Abd al-Raḥmān, sent her freed woman whose name was Umayyah to Abū Bakr Ṣiddīq. Abū Bakr Ṣiddīq said: The freed woman came to me while I was sitting amongst men and said: Your aunt 'Amrah has sent word: O my nephew, have you seized a man of Nabṭ for a small thing and do you desire to cut off his hand? I replied: Yes. The freed woman spoke that 'Amrah had said that cutting of the hand is for articles of the value of one quarter of a dīnār or more. Abū Bakr said: I set free the man of Nabṭ.[439]

439. Imām Mālik said: If a slave admits of a crime which may do harm to his body, he will not be accused of falsely admitting the crime for harming his owner. If he admits of some crime for which his owner may be liable to pay the penalty, his admission would be accepted as true.

Imām Mālik said that there is no cutting off of the hand when a labourer or any other man who lives among men steals something, as he is like a trustee misappropriating his trust who is not subject to the punishment of cutting off of hand, just as a debtor denies having a debt on him.

XXXI. KITAB AL-ASHRABAH

Chapter 502

PUNISHMENT FOR DRINKING INTOXICANTS

(1557) Sā'ib b. Yazīd reported that 'Umar b. al-Khaṭṭāb came upon him and said: I have smelt wine from the mouth of so and so.[440] He says that he drank *ṭilā'*,[441] and I say that, if it is intoxicating, I shall punish him. Then 'Umar b. al-Khaṭṭāb gave him full punishment, i.e. eighty lashes.

(1558) Thaur b. Zaid al-Dailī reported that 'Umar b. al-Khaṭṭāb sought opinion of the Companions regarding punishment in case of intoxication (for the Apostle of Allah had fixed no punishment for it). 'Alī b. Abū Ṭālib said: I think it proper that eighty lashes should be given, for he who should be drunk would be intoxicated and in a state of intoxication he will babble and while babbling he will abuse, or something like that.[442] He said: 'Umar b. al-Khaṭṭāb fixed eighty lashes.

(1559) Ibn Shihāb was asked what the punishment would be if a slave should get intoxicated. He said: It has reached me that the punishment of a slave is half that of a free man. 'Umar b. al-Khaṭṭāb and 'Uthmān b. 'Affān and 'Abd Allah b. 'Umar gave their slaves half the punishment of the free men.

(1560) Yaḥyā b. Sa'īd reported that Sa'īd b. al-Musayyab used to say: There is no sin but that Allah desires to forgive except *ḥadd* (punishments fixed by the Lord).[443]

440. 'Ubaid Allah son of Ḥaḍrat 'Umar.

441. A preparation of grape juice boiled to such an extent that it becomes thick by one-third.

442. The punishment for abusing is eighty lashes

443. Imām Mālik said: In my opinion, the command is that should a person take an intoxicating drink he will be liable to the *ḥadd* irrespective of whether he is intoxicated or not.

Chapter 503

ON THE TWO THINGS BY MIXING WHICH *NABĪDH*[444] SHOULD NOT BE PREPARED

(1561) 'Aṭā' b. Yasār reported that the Apostle of Allah (may peace be upon him) forbade mixing ripe and half-ripe dates and soaking them in water, or dates and raisins from being soaked together.

(1562) Abū Qatādah Anṣārī reported that the Apostle of Allah (may peace be upon him) prohibited drinking *nabīdh* made of dates and also prohibited the *nabīdh* made of half-ripe and ripe dates.[445]

Chapter 504

THE VESSELS IN WHICH IT IS REPUGNANT TO PREPARE *NABDĪH*

(1563) 'Abd Allah b. 'Umar reported: On the occasion of some battle, the Apostle of Allah (may peace be upon him) delivered a sermon and I started to go and hear it. But by the time I arrived, the sermon was over. I asked the people as to what had been said. They said: He (the Prophet) prohibited men from soaking *nabīdh* in water-skins and jars.[446]

(1564) Abū Hurairah reported: The Apostle of Allah (may peace be upon him) prohibited the soaking of raw fruit in water-skins and jars.

Chapter 505

ON THE PROHIBITION OF *KHAMR*

(1565) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported that a man asked the Apostle of Allah (may peace be upon him) about *bit'* (wine made out of honey). He replied: Any drink that

444: *Nabīdh* is made of dates or grapes kept in water for twenty-four hours, but it is neither spirited nor fermented.

445. Imām Mālik said: The scholars of our city unanimously consider this *nabīdh* as repugnant as the Holy Prophet (may peace be upon him) has prohibited drinking it.

446 These vessels were used in pre-Islamic times for preparing wine. The Holy Prophet (may peace be upon him), as a precaution, forbade their use at that time.

intoxicates is forbidden.

(1566) Zaid b. Aslam reported on the authority of 'Aṭā' b. Yasār that the Apostle of Allah (may peace be upon him) was asked about liquor made from corn. He said: There is no good in it, and forbade its use.

(1567) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) said: He who has drunk wine in this world and does not repent will be deprived of it in the Hereafter.

Chapter 506

MISCELLANEOUS *AḤĀDĪTH* ON THE PROHIBITION OF WINE

(1568) Ibn Wa'lat al-Miṣrī reported that he asked 'Abd Allah b. 'Abbās how wine was prepared from grapes. Ibn 'Abbās said that a man brought to the Apostle of Allah (may peace be upon him) a water-skin of wine as present. He (the Apostle) said: Are you aware that the Lord has prohibited its use? He answered he was not aware. Another man who stood close to him whispered something in his ear. The Apostle of Allah (may peace be upon him) asked him what he had said. He said that he had said: Sell it off. The Apostle of Allah (may peace be upon him) declared: He Who has prohibited the drinking of it has also forbidden the sale of it. Hearing this the man opened up the mouth of the skin and all the contents flowed out.

(1569) Anas b. Mālik reported: I used to serve wine, made of half-ripe and ripe dates, to Abū 'Ubaidah b. Jarrāḥ and Ubayy b. Ka'b. Meanwhile a man came and said that drinking wine had been prohibited. Abū Ṭalḥah said: Anas, rise, and break the wine vessels. I rose, took a wooden pounder and broke all the vessels of wine until they were all shattered to pieces.

(1570) Maḥmūd b. Labīd Anṣārī reported that when 'Umar b. al-Khaṭṭāb arrived in Syria, the people there complained of the epidemic and unhealthy climate of the place and said that without wine they could not sustain their health. 'Umar asked them to take honey. They said that honey did not agree with them. One of them said: We shall

prepare it in such a manner that it will not intoxicate. 'Umar said: All right. They boiled it so that two-thirds evaporated and only a third remained and brought it to 'Umar. He put his finger and it began to stick. He said: This looks like the *ṭilā'* of a camel, and permitted its use. 'Ubādah b. Ṣāmit asked whether he had raised the interdict. 'Umar spoke out: By Lord, I have never made that valid which Thou hast declared forbidden, nor have I made that forbidden which Thou hast commanded to be valid.

(1571) Nāfi' reported that 'Abd Allah b. 'Umar said that some of the people of Iraq told him: O Abū 'Abd al-Raḥmān, we buy dates and grapes and prepare wine and sell it. 'Abd Allah b. 'Umar said: I bring to witness the Lord, His angels and the men and the jinn who hear me, that I do not permit the sale of it or the purchase of it, the pressing of it, or drinking of it, or the serving of it as drink, for wine is impure and the act of Satan

XXXII. KITAB AL-JAMI‘

Chapter 507

ON BLESSINGS FOR MEDINA AND THE PEOPLE OF MEDINA

(1572) Anas b. Mālik reported: The Apostle of Allah (may peace be upon him) prayed: O Lord, bless their measures, i.e. those of the people of Medina, and bless their ṣā‘s and mudds.

(1573) Abū Hurairah reported: When people observed the first fruit ripening, they would bring it to the Apostle of Allah (may peace be upon him). He would hold it and pray: O Lord! bless us in our fruits, and bless out city, bless our ṣā‘ and our mudd. O Lord! Ibrāhīm who was Thy servant and Thy friend and Thy Prophet had prayed for Mecca and I pray unto Thee for Medina. I am Thy servant and Thy Prophet and as Ibrāhīm prayed for Mecca, so do I pray with him and as much I pray for Medina. He would then send for the youngest child that was there and give him that fruit.

Chapter 508

ON PUTTING UP IN MEDINA AND GOING OUT OF MEDINA

(1574) Yuḥannas, the freedman of Zubair b. ‘Awwām, reported: I was sitting near ‘Abd Allah b. ‘Umar, when a slave-girl of his came and said: I desire to leave Medina, O Abū ‘Abd al-Raḥmān, for here are hardships. That was the time of disturbances in Medina.[447] ‘Abd Allah b. ‘Umar said: Sit, O silly (woman). I heard the Apostle of Allah (may peace be upon him) saying: Whoever should bear the pains and hardships of Medina, I shall be his witness on the Day of Judgment or plead for his salvation.

447. Yazīd b. Mu‘āwiyah was the cause of the oppression.

(1575) Jābir b. 'Abd Allah reported that a countryman came and accepted Islam at the hands of the Apostle of Allah (may peace be upon him). Fever overtook him in Medina. He went to the Apostle of Allah (may peace be upon him) and said : Apostle of Allah, cancel my pledge.[448] The Apostle of Allah (may peace be upon him) refused. The man came again and asked for the cancellation and was refused. He came for the third time and was again refused. The man left Medina. The Apostle of Allah (may peace be upon him) said : Medina removes the dross and keeps the poor metal.

(1576) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said : I have been ordered to go to a village which shall consume many cities.[449] People call it Yathrib and it is Medina. It casts off persons as dross or as rust is cast off from iron.

(1577) 'Urwah b. Zubair reported that the Apostle of Allah (may peace be upon him) said : No man leaves Medina on hate, but that the Lord lends to it a better man.[450]

(1578) Sufyān b. Abī Zubair reported that he heard the Apostle of Allah (may peace be upon him) saying : Yemen will be conquered and some men thereof shall come on a visit to Medina and take back with them from Medina their households and those who agree to go with them, even though Medina would have been better for them, if they but knew it ; Syria will be conquered and some men thereof shall come on an excursion to Medina and take back with them from Medina their households and whoever should lend ear to them even though Medina would be the better place, if only they knew it ; Iraq will be conquered and some men thereof shall come on an excursion

448. The man did not apostatise, but wished to annul his pledge of migration to Medina.

449. That is, because of it many cities and towns would be conquered ; Mecca, Ṭā'if, Yemen and Khaibar were subjugated during the lifetime of the Holy Prophet (may peace be upon him) and, after him, Byzantine, Syria, Persia, Egypt and Diyar Bakr were conquered during the period of the Companions, when Medina remained the capital.

450. It may be said that some great Companions such as Abū Mūsā, Ibn Mas'ūd, Mu'ādh, Abū 'Ubaidah, 'Alī b. Abū Ṭālib, Ṭalḥah, Zubair, 'Ammār, Ḥudhaifah, 'Ubādah b. al-Ṣāmit, Bilāl, Abū al-Dardā' and Abū Dharr left Medina and died out of it, and, to say nothing of better persons than them, none even the like of them came to Medina in their place In the first instance, these Companions did not leave Medina on hate but for some purpose, and died where it was destined for them. Then the Prophet's (may peace be upon him) command was for his own lifetime.

to take back from Medina their households and those who would listen to them even though Medina has been the better abode for them if but they knew it.

(1579) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said : You will leave Medina in a good state until the dog or the wolf will urinate on the pillars or pulpit of the mosque. The Companions asked : Apostle of Allah, who would at that time eat the fruit of Medina ? He replied : Hungry animals, birds and beasts.[452]

(1580) Mālik reported that it reached him that when 'Umar b. 'Abd al-'Azīz left Medina, he looked back at it and wept and told his slave Muzāḥim : O Muzāḥim ! perhaps you and I are among those whom Medina has sent out.

Chapter 509

ON MEDINA BEING A PROHIBITED PLACE

(1581) Anas b. Mālik reported that the Apostle of Allah (may peace be upon him) declared : When you see the hill of Uḥud, know that it is the hill that likes us and which we also like. O my Lord ! Ibrāhīm declared Mecca a prohibited place[453] and I declare Medina prohibited between its two edges.

(1582) Abū Hurairah reported : If I should see the deer grazing in Medina, I shall never array them for the Apostle of Allah (may peace be upon him) declared the two edges of Medina to be prohibited (area).

(1583) Abū Ayyūb Anṣārī saw boys cornering a fox. He drove the boys away.

(1584) A man[454] reported : Zaid b. Thābit came to me and I was

452. Perhaps this would be during the last period when Islam would be no more and Medina would be deserted. Some scholars are of opinion that that period has passed when there were disturbances in Medina and people of Medina went away for their life and no prayer was said in the Prophet's mosque for many days.

453. Prohibition related to preying, quarrelling, fighting, felling trees and picking grass in the vicinity of Mecca.

454. Sharāhbīl b. Sa'd.

at Aswāf and I had caught a bird. He took it from my hand and set it free.

Chapter 510

ON EPIDEMIC IN MEDINA

(1585) 'Ā'ishah, Mother of the Believers, reported: When the Apostle of Allah (may peace be upon him) arrived at Medina, Abū Bakr and Bilāl fell ill of fever. I went to them and asked: Father, how are you? O Bilāl! how are you? She says that whenever Abū Bakr had an attack of fever he would recite a verse of poetry:

كُلُّ امْرِئٍ مُصَبَّحٌ فِيْ أَهْلِهِ   وَالْمَوْتُ أَدْنٰى مِنْ شِرَاكِ نَعْلِهِ

[Every man's morning dawns at home
and death is nearer than the strap of his shoe.]

When Bilāl's fever should subside, he would raise up his voice and shout: Alack! that I knew that I would live one more night in the valley of Mecca and around me would be the grasses of *idhkhir* and *jalīl*[455] and that I would sometime descend to the water of Majinnah[456] and that sometime would become visible to me hills of Shāmah and Ṭafīl.[457] 'Ā'ishah said: I came to the Apostle of Allah (may peace be upon him) and informed him about it and he prayed: O Lord! open unto our hearts as much love for Medina as we entertained of Mecca or more and grant health and welfare to Medina and bless its ṣā's and mudds, free it of its fever and send it on to Juḥfah.[458]

(1586) Yaḥyā b. Sa'īd reported that 'Ā'ishah said: 'Āmir b. Fuhairah used to say: I saw death before dying. The death of a coward comes from above.[459]

(1587) Abū Hurairah reported: The Apostle of Allah (may peace be upon him) declared: In the streets of Medina are angels. Plague comes there not, nor the Dajjāl (Antichrist).

455. Grasses of Mecca.

456. The name of a village many miles distant from Mecca where there used to be held markets during pre-Islamic days.

457. These are two hills thirty miles away from Mecca.

458. A village eighty-two miles distant from Mecca. It was then the habitat of the Jews.

459. Cowards die many times before death.

Chapter 511

ON THE EXPULSION OF THE JEWS FROM MEDINA

(1588) 'Umar b. 'Abd al-'Azīz reported that the last statement made by the Apostle of Allah (may peace be upon him) was : O Lord, perish the Jews and Christians. They made churches of the graves of their Prophets. Beware, there should be no two faiths in Arabia.[460]

(1589) Ibn Shihāb reported that the Apostle of Allah (may peace be upon him) said : There shall be no two faiths in Arabia.[461]

Chapter 512

ON THE SUPERIORITY OF MEDINA

(1590) 'Urwah b. Zubair reported : The Apostle of Allah (may peace be upon him), on seeing Uḥud, said : This hill loves us and we love it.

(1591) Aslam, the freedman of 'Umar b. al-Khaṭṭāb, reported that he went to visit 'Abd Allah b. 'Ayyāsh Makhzūmī and found *nabīdh* with him and he was on the way to Mecca. Aslam reported that 'Umar b. al-Khaṭṭāb greatly liked the drink.[462] 'Abd Allah b. 'Ayyāsh filled a large cup and placed it before 'Umar b. al-Khaṭṭāb. He took it in his hand, lifted it to his mouth, then raised up his head. 'Umar said : This drink is a nice one, and he drank it. Then he gave it to a man who was sitting to his right. When 'Abd Allah b. 'Ayyāsh was leaving, 'Umar b. al-Khaṭṭāb called him back and said : Do you say that Mecca is better than Medina ? 'Abd Allah b. 'Ayyāsh replied : Mecca is the *Ḥaram* of Allah ; it is a place of peace and

460. Islam alone should prevail. During the Caliphate of the first four Caliphs, this edict of the Holy Prophet (may peace be upon him) was fully carried out and all non-believers were shunted out of Arabia.

461. Imām Mālik said that Ibn Shihāb stated that Ḥaḍrat 'Umar made inquiries about this *ḥadith* and, when satisfied that it was a command of the Prophet (may peace be upon him), he expelled Jews from Khaibar, Fidak and Najrān. As against the Jews of Fidak the Jews of Khaibar had no land and no trees. The Jews of Fidak were owning one-half of the land and one-half of the fruit under agreement with the Holy Prophet (may peace be upon him). Ḥaḍrat 'Umar assessed the value of the share of the Jews of Fidak and, paying them the price, expelled them from there.

462 Because the Apostle of Allah (may peace be upon him) liked cool and sweet drinks.

security and there also is His House. 'Umar said : I do not ask you of the House or *Ḥaram* of Allah.[463] Do you say that Mecca is better than Medina ? 'Abd Allah b. 'Ayyāsh replied : In Mecca is the *Ḥaram* of Allah ; it is a place of peace and security and there is His House. 'Umar said : I do not say anything in the matter of the House or *Ḥaram* of Allah. 'Abd Allah b. 'Ayyāsh then went away.[464]

Chapter 513

ON PLAGUE

(1592) 'Abd Allah b. 'Abbās reported : 'Umar b. al-Khaṭṭāb started for Syria.[465] When he arrived at Sargh,[466] military officers like Abū 'Ubaidah b. al-Jarrāḥ and his companions[467] met him. They reported that there was an epidemic in Syria. 'Umar b. al-Khaṭṭāb asked Ibn 'Abbās to summon the senior *Muhājirīn* who had first emigrated. When they came, he held a consultation with them and told them that an epidemic had broken out in Syria. There was a difference of opinion. Some said : You have started on duty ; it is not proper to go back. Others said : There are other men with you and Companions of the Apostle of Allah (may peace be upon him). It is not proper that you should take them to this place of epidemic. 'Umar sent for the *Anṣār*. Ibn 'Abbās summoned them. 'Umar consulted them. They too spoke like the *Muhājirīn* and held different views. They were sent away. 'Umar then sent for the elderly Quraish who had left Mecca

463. The question that 'Umar put was which of the two cities, Mecca and Medina, was more superior.

464. The classic scholars differ on the superiority of Mecca and Medina. The majority of the religious scholars consider Mecca superior to Medina: this is the view of Shāfi'īs, Ibn Wahb, Maṭraf, Ibn Ḥabīb, Abū Ḥanīfah and his companions, Ibn 'Abd al-Barr, Ibn Rushd and Ibn 'Urfah, Ḥaḍrat 'Umar and a section of the Prophet's Companions, most of the residents of Medina and Imām Mālik and his companions are of the view that Medina is superior. Some Shāfi'īs also hold the same opinion. Both the groups have quite a number of arguments in favour of their views—so that both the cities are equal in status.

465. He was going there to see things for himself, deputing Zaid b. Thābit to work as Caliph in his place.

466. A town in the valley of Tabūk.

467. Khālid b. Walīd, Yazīd b. Abī Sufyān, Sharaḥbīl b. Ḥasanah b. 'Amr b. al-'Āṣ.

after its conquest. Ibn ‘Abbās summoned them. They spoke with one voice and said : Our opinion is that you should turn back and not take people to a place affected by an epidemic. ‘Umar had it announced : I shall mount my animal at morning (and return to Medina). At morning all mounted and started. Abū ‘Ubaidah then said : Do you flee from God's destiny ? ‘Umar said : If only this had been said by someone else ![468] Yes, Abū ‘Ubaidah, we are fleeing from God's destiny to God's destiny. If you have camels and you enter a valley which has two edges, one of which is fertile and flourishing and the other dry and dreary, you will be grazing your camels by God's destiny if you take them on either to the fertile side or the desolate one. Meanwhile ‘Abd al-Raḥmān b. ‘Auf, who was absent on some work, returned and said : I have knowledge of this problem. I heard the Apostle of Allah (may peace be upon him) saying : When you hear that there is an epidemic spread in any place do not go there, and if an epidemic spreads in a place and you are there, do not flee. ‘Umar then praised the Lord and started back.

(1593) Sa‘d b. Abī Waqqāṣ asked Usāmah b. Zaid what he had heard from the Apostle of Allah (may peace be upon him) regarding plague. He said : The Apostle of Allah (may peace be upon him) declared : Plague is a punishment that was sent to a group of Banī Isrā'īl, or he said to those who lived before you, so when you hear that there is plague prevalent in any place, do not enter it and when plague should spread in any land and you be there, do not flee from it. Mālik said : Do not start with a view to fleeing.

(1594) ‘Abd Allah b. ‘Āmir b. Rabī‘ah reported : ‘Umar b. al-Khaṭṭāb started for Syria. When he reached Sargh, he was informed that an epidemic was prevalent in Syria. ‘Abd al-Raḥmān b. ‘Auf then told him that the Apostle of Allah (may peace be upon him) had declared : When you hear of an epidemic in any place, do not go there, and if the epidemic should start in the place where you be, do not flee from it. On hearing this, ‘Umar b. al-Khaṭṭāb turned back from Sargh.

(1595) Sālim b. ‘Abd Allah reported that ‘Umar b. al-Khaṭṭāb

468. So that either he could punish him or did not take it ill.

returned from Sargh on hearing the *ḥadīth* from 'Abd al-Raḥmān b. 'Auf.

(1596) It reached Mālik that 'Umar b. al-Khaṭṭāb said : I like one house of Rukbah better than ten houses of Syria.[469]

Chapter 514

PROHIBITION ON DISCUSSING *TAQDĪR*

(1597) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said : When Adam and Moses held a discussion, Adam won. Moses said : Thou art the same Adam who settest people astray and hadst them ousted from Heaven. Adam asked : Art thou the same Moses whom Allah gave knowledge of all things and honoured thee with Apostleship ! He replied : Yes ! Adam said : And yet thou accusedst me of that which was written in my fate !

(1598) Muslim b. Yasār Juhannī reported that 'Umar b. al-Khaṭṭāb was asked the explanation of the verse :

وَإِذْ أَخَذَ رَبُّكَ مِنْ بَنِيٓ ءَادَمَ مِنْ ظُهُورِهِمْ ذُرِّيَّتَهُمْ وَأَشْهَدَهُمْ عَلَىٰٓ أَنفُسِهِمْ أَلَسْتُ بِرَبِّكُمْ
قَالُوا بَلَىٰ شَهِدْنَآ أَن تَقُولُوا يَوْمَ الْقِيَٰمَةِ إِنَّا كُنَّا عَنْ هَٰذَا غَٰفِلِينَ ۝

[Remember the time when thy Creator created all his children from the back of Adam and made him witness of the fact : Am I not thy creator ? They said : Why not ! Thou art our Creator. He said : We brought ye to witness so that ye may not say on the Day of Judgment that ye were ignorant.]

'Umar b. al-Khaṭṭāb reported : I heard that the Apostle of Allah (may peace be upon him) was questioned and he replied : The Lord created Adam, then moved His right hand on his back and brought out issues and said : We have created them for Heaven : these will do actions befitting heavenly persons. Then He moved His left hand on his back and brought out issues and said : We have created them for Hell and these will do actions befitting Hell. A man asked : Apostle of Allah, what is the use then of actions ?[470] The Apostle of Allah (may peace be upon him) replied : When the Lord creates a person for

469. For there was an epidemic in Syria.

470. When it is destined beforehand, it will happen accordingly. He who is destined for Paradise will go to Paradise and he who is condemned will go to Hell.

Heaven, He takes from him the work of the men of Heaven and the man does good even until death and God admits him to Heaven. When He creates a person for Hell, He takes from him the work of men of Hell so that even until death he dies doing evil deeds and he is admitted to Hell.[471]

(1599) It reached Mālik that the Apostle of Allah (may peace be upon him) declared: I leave amongst you two things. You will never go astray as long as you hold by them: the Book of God and the *Sunnah* of His Messenger.

(1600) Ṭāwūs al-Yamānī reported: I found some Companions of Allah's Apostle (may peace be upon him) saying: Everything is dependent on fate. Ṭāwūs also said that he heard 'Abd Allah b. 'Umar saying that the Apostle of Allah (may peace be upon him) declared that everything is from Fate—even humility and intelligence.

(1601) 'Amr b. Dīnār reported: I heard 'Abd Allah b. Zubair preaching in a sermon: Truly Allah guides and subjects to trials.[472]

(1602) Abī Suhail b. Mālik reported: I was travelling with 'Umar b. 'Abd al-'Azīz. He said: What is your opinion about the Qadarīyyah?[473] He replied: My opinion is that they should be asked to repent. If they repent, well and good, otherwise they should be put to the sword. 'Umar b. 'Abd al-'Azīz said that that was his opinion too. Mālik said: I am of the same opinion regarding these people.

Chapter 515

MISCELLANEOUS *AḤĀDĪTH* ON FATE

(1603) Abū Hurairah reported: The Apostle of Allah (may peace be upon him) said: No woman should wish for the divorce of her

471. The only definite thing is the end, so that man should always do good deeds. Who knows the next moment he may die; he would thus end his sojourn in this world doing good deeds.

472. The Qur'ān says: Allah guides whomsoever He wills and misleads whomsoever He wills. From these *aḥādīth* it becomes clear that it is Allah Who creates good and bad actions, nothing happens without His command. But man is given an apparent freedom and is enabled to distinguish between good and bad deeds. It is on this freedom that depends man's salvation or condemnation. This, in a way, falsifies the view of the Qadarīyyah and the Shī'ah that man is the creator of his own deeds.

473. Qadarīyyah are people who think man to be possessed of full power and authority and think him creator of his own actions.

sister in order to empty her cup, but she should marry, for whatever is in her fate, she will get it.[474]

(1604) Muḥammad b. Ka'b al-Quraẓī reported that Mu'āwiyah b. Abū Sufyān spoke on the pulpit: O people, whatever God may grant, none can prevent it, and if He does not grant, none can give it. No possessor of strength can avail his strength against the Lord. If the Lord desires to do good to any man, He endows him with proficiency in matters of religion, and he said: I heard these words uttered by the Apostle of Allah (may peace be upon him) on the planks of this very pulpit.

(1605) Mālik reported: (In former times) people used to say: All righteousness belongs to the Lord Who created all things as they deserved. Nothing can happen before its appointed time. Sufficient unto me is the Lord. Sufficient is His hearing. He hears him who cries to Him. There is none other worthy of adoration.

(1606) It reached Mālik that (in former times) it used to be said: No man will die until his bread should have been over. Therefore restrain your demand for it.[475]

Chapter 516

ON BEING GOOD-NATURED

(1607) Mu'ādh b. Jabal reported: The last advice which the Apostle of Allah (may peace be upon him) gave me, when I was putting my foot in the stirrup, was: O Mu'ādh b. Jabal, be good-natured and polite to people.

(1608) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported that when the Apostle of Allah (may peace be upon him) was faced with two deeds, he chose the easier one provided it had no tint of sin: if it had, he abstained from it the most. The Apostle of Allah (may peace be upon him) never took revenge for his own per-

474. This means that if a woman desires to marry a man, she should not have the man's first wife divorced so that she may obtain her share also, because she will get whatever is destined for her.

475. The *hadith* means that one should not so busy oneself in earning one's livelihood that one may forget Allah and make no distinction between the lawful and the unlawful.

son, but where the honour of the Lord was at stake, he took revenge for Allah's sake.

(1609) 'Alī b. Ḥusain b. 'Alī b. Abī Ṭālib (Imām Zain al-'Ābidīn) reported : The Apostle of Allah (may peace be upon him) declared : Amongst the better things of Islam are that a man should avoid worthless and vain things.[476]

(1610) Mālik reported that it reached him that 'Ā'ishah, wife of the Prophet (may peace be upon him), said : A man wanted permission to come into the presence of the Apostle of Allah (may peace be upon him) and I was with him in the house. The Apostle of Allah (may peace be upon him) said that he was an evil man.[477] He gave him permission. A short time after I perceived the Apostle of Allah (may peace be upon him) laughing with him. When he went away I said : Apostle of Allah, it is but just now that you said that he was an evil man and you were laughing with him ! The Apostle of Allah (may peace be upon him) said : The worst of men is he whom people avoid or fear on account of his evil.[478]

(1611) Ka'b al-Aḥbār said : If you desire to know the condition of a man with the Lord, then see what people[479] say of him.

(1612) Yaḥyā b. Sa'īd reported : I learnt that a man attains to the position of him who worships the whole night and fasts the whole day by means of his good nature and courtesy.

(1613) Sa'īd b. al-Musayyab said : Shall I not show you that which is better than many prayers and *ṣadaqah* ? They said : Why not? What is that? He said : It is to mediate between persons and to avoid envy and enmity, which wipe off all virtues.

476. Dāraquṭnī narrated this *ḥadith* from 'Alī b. Ḥusain, from Ḥusain, from the Prophet (may peace be upon him). Tirmidhī, Ibn Mājah, Abū Ya'lā and Aḥmad narrated it from Abū Hurairah ; Aḥmad Ṭabrānī from Ḥasan b. 'Alī and Ḥākim from Abū Dharr and 'Alī b. Abū Ṭālib; Ṭabrānī and Ibn 'Asākir from Zaid b. Thābit and Ḥārith b. Hishām. This *ḥadith* of the Prophet (may peace be upon him) holds a very high rank.

477. He was 'Uyainah b. Ḥisn Fazārī, a hypocrite. The Apostle (may peace be upon him) told people about him so that they may not be deceived by him.

478. For fear that he may harm them. This is not backbiting but a simple statement of fact so that people may fear him and remain safe. Some people said he was an open hypocrite, and passing remarks on him in his absence was correct.

479. Zurqānī said that only the statement of the learned and good people was to be relied upon.

(1614) It reached Mālik that the Apostle of Allah (may peace be upon him) said : I was sent to complement the virtues of courtesy and good behaviour.

Chapter 517

ON *ḤAYĀ'* (MODESTY)

(1615) Zaid b. Ṭalḥah b. Rukānah used in regular traditionary chain to say this as emanating from the Apostle of Allah (may peace be upon him) : The Apostle of Allah (may peace be upon him) said that each faith had a virtue of its own, and the virtue of Islam is modesty.

(1616) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) passed by a man who was advising his brother in respect of modesty[480] and said : Let him alone. Modesty is the essence of faith.

Chapter 518

ON ANGER

(1617) Ḥumaid b. 'Abd al-Raḥmān b. 'Auf reported : A man came to the Apostle of Allah (may peace be upon him) and requested : Apostle of Allah, teach me some words by means of which I may attain profit. Do not show many things lest I forget. The Apostle of Allah (may peace be upon him) said : Abstain from anger.[481]

(1618) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) declared : That man is not powerful who beats another in wrestling. He is powerful who keeps control over himself at the time of anger.

Chapter 519

ON AVOIDING MEETING BROTHER MUSLIMS

(1619) Abū Ayyūb Anṣārī reported : The Apostle of Allah (may

480. Asking him not to be so modest.

481. This is a fundamental of the *Sharī'ah* that a man does not follow desires of his soul, and checks it against bad things. When a man restrains himself at times of anger, he overcomes hi soul and will be able to do deeds of virtue.

peace be upon him) said : It is not befitting a Muslim to avoid meeting a brother Muslim or to leave him for more than three days. If a person meets another, the other man does not look at him ; if the other man meets him, he does not look at him. The better of the two is he who first offers *salām*.[482]

(1620) Anas b. Mālik reported : The Apostle of Allah (may peace be upon him) declared : Do not keep hate smouldering, do not envy and do not turn your back upon one another, but be like brothers as befits God's creatures. It does not behave any Muslim to abandon his brother for more han three nights.

(1621) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) declared : Avoid suspicion, for suspicion is a great falsehood, and do not enquire deep into a man's shortcomings, do not be greedy of the world, do not envy, do not maintain hate (keep spite), do not turn your back from one another. As are God's creatures, be as a brother to a brother.

(1622) 'Aṭā' b. Abd Allah Khurāsānī reported : The Apostle of Allah (may peace be upon him) declared : Shake hands one with the other, the spite of the heart will vanish. Send presents one to the other, and you will be friends, enmity will disappear.

(1623) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said : The gates of Heaven are opened out on Mondays and Thursdays. Then every Muslim who does not join any other with Allah is pardoned excepting the man who bears enmity towards his brother. It is said to watch those two until they meet ; to watch those two until they meet.[483]

(1624) Abū Hurairah said that on two occasions every week, that is on Mondays or Thursdays, the actions of men are inspected (scrutinised) ; and every believer is pardoned except he who bears enmity to his brother. The order is then given : Stay, until they two meet.

482. This applies to differences in mundane affairs. But if the difference is on religious matters, relationship is not to be resumed until the man concerned repents.

483. Until they come to speaking terms, they will not be pardoned.

Chapter 520

ON WEARING APPAREL FOR GRACE

(1625) Jābir b. 'Abd Allah Anṣārī reported : We issued out with the Apostle of Allah (may peace be upon him) for the Battle of Banī Anmār.[484] Jābir said : When we had dismounted underneath a tree, the Apostle of Allah (may peace be upon him) was seen and I said : Apostle of Allah, come underneath the shade. The Apostle of Allah (may peace be upon him) dismounted. I went to see my pouch and searched within it. I found a cucumber. I took it to the Apostle of Allah (may peace be upon him). The Apostle of Allah (may peace be upon him) asked : Wherefrom did you get it ? I replied : Apostle of Allah, we took it at the time of our starting from Medina.

Jābir said : With us was a man whom we had provided for the journey. He used to graze our animals. When he turned his back to go and graze the animals, he was wrapped in two sheets of cloth which were torn into shreds. The Apostle of Allah (may peace be upon him) saw him and asked : Has he no clothes other than these two ? I said : No, Apostle of Allah, he has two clothes that I have given him to wear, and he has bound them in a bundle. The Apostle of Allah (may peace be upon him) said : Ask him to wear them. I called him. He took out the clothes and put them on. When he started to go, the Apostle of Allah (may peace be upon him) asked : What was the matter with him ?[485] May the Lord strike his neck ! Does it not appear to him to be fine now ? The man heard it and said : Apostle of Allah, will my neck be cut off in the name of the Lord ? The Apostle of Allah (may peace be upon him) said : Yes, for the sake of Allah. The man died a martyr in the cause of Allah.

(1626) Mālik said that it reached him that 'Umar b. al-Khaṭṭāb said : I like to see learned men in white clothes.

(1627) Ibn Sīrīn reported that 'Umar b. al-Khaṭṭāb said : When Allah grants you provision, provide yourself and make clothes for

484. This occurred in the third year of Hijrah. It is also called the Battle of Dhāt al-Riqā'.

485. The Holy Prophet (may peace be upon him) meant to ask why that man was putting on torn clothes when he had new ones in his pack.

yourself.

Chapter 521

ON WEARING COLOURED CLOTHES AND PUTTING ON GOLD ORNAMENTS

(1628) Nāfi‘ reported that ‘Abd Allah b. ‘Umar used to wear clothes coloured in brown and in saffron.[486]

Chapter 522

ON WEARING WOOLLEN AND SILKEN CLOTHES

(1629) ‘Ā’ishah, wife of the Prophet (may peace be upon him), gave ‘Abd Allah b. Zubair a cloth to wear which was of wool and silk. ‘Ā’ishah also used to wear it.

Chapter 523

THE CLOTH WEARING OF WHICH IS REPUGNANT FOR WOMEN

(1630) Murjānah reported : Ḥafṣah, daughter of ‘Abd al-Raḥmān b. Abū Bakr, came to visit ‘Ā’ishah, wife of the Prophet (may peace be upon him). Ḥafṣah wore a thin head-cover. ‘Ā’ishah tore it off and gave her a thick head-cover to wear.

(1631) Abū Hurairah reported that women who are wearing clothes but are naked[487] are themselves strayed from the right course and misguide their husbands too. They shall not go to Paradise, nor even smell its scents, even though the scent of Paradise comes across

486. Abū Dāwūd narrated from ‘Abd Allah b. ‘Umar : The Holy Prophet (may peace be upon him) used to dye his clothes in waras and saffron, even his turban. According to some scholars it is repugnant for a man to dye his clothes in kasam and saffron, but Imām Mālik gives the reason for every colour ; he also expresses repugnance. The fact is that for a man all colours are correct, except that of kasam.

Imām Mālik said : Putting on of gold ornaments on young boys is repugnant as the Holy Prophet (may peace be upon him) forbade use of gold ring, and I consider it a repugnant act for men and young boys, but they may use silver ornaments, according to some scholars, while others consider it also repugnant.

487. They wear such thin clothes that their bodies are visible as if they are naked.

a path traversed in five hundred years.

(1632) Ibn Shihāb reported that the Apostle of Allah (may peace be upon him) once woke up at night and, looking towards the sky, said : This night the Lord has many a treasure opened out and many a mischief have happened. There are many women who are wearing clothes in this world but will be naked on the Day of Judgment. Awake these occupiers of the apartments (the wives of the Prophet to spend the night in prayer).

Chapter 524

ON TRAILING A CLOTH USELESSLY

(1633) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) said : He who trails his cloth by way of pride and haughtiness, the Lord will not look towards him on the Day of Judgment.

(1634) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) declared : On the Day of Judgment the Lord will not look towards the man who trails his cloth by way of pride.

(1635) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) said : On the Day of Judgment the Lord will not look towards the man who trails his cloth by way of pride.

(1636) 'Abd al-Raḥmān b. Ya'qūb reported : I asked Abū Sa'īd al-Khudrī about trousers. He said that he knew and that he would tell. He then spoke : I heard the Apostle of Allah (may peace be upon him) saying : The trousers of a believer are up to the shins, there is no harm if they extend to the ankles ; if they go lower, they take you to Hell. On the Day of Judgment the Lord will not look towards that man who wears them so out of pride.

Chapter 525

ON A WOMAN TRAILING HER CLOTH

(1637) Umm Salamah, wife of the Prophet (may peace be upon him), reported : When the Apostle of Allah (may peace be upon him) spoke of the trousers, I asked : What about women ? He replied : They

should wear them below to the extent of a hand. Umm Salamah said: That would show. He replied : Well, keep it an arm's length below, not more.

Chapter 526

ON WEARING SANDALS

(1638) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said : Walk not any one of you with one sandal. Either wear the pair or take off the pair.

(1639) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said : When you wear your shoes wear them first on the right foot and when you take them off, take them off from the left foot first. On wearing shoes the right foot comes first, and it comes last on taking them off.

(1640) Ka'b al-Aḥbār reported that a man took off his shoes and he asked him : Why did you take them off? Perhaps you did so on the strength of the verse :

فَاخْلَعْ نَعْلَيْكَ ۚ إِنَّكَ بِالْوَادِ الْمُقَدَّسِ طُوًى ۝

[So take off thy shoes ; surely thou art in the sacred valley Ṭuwā (xx. 12).]

When Moses began to climb the Ṭūr mountain, the Lord said : Take off your sandals, but do you know what Moses' sandals were made of? Then said Ka'b : The sandals of Moses were of the hide of a dead ass.[488]

Mālik said : I do not know what the man said in reply.

Chapter 527

ON WEARING CLOTHES

(1641) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) forbade two dresses and two sales, i.e. sale by *mulāmasah*

488. During the lifetime of the Holy Prophet (may peace be upon him) all the people prayed with their footwear on. This practice went on during the period of the Companions and their followers. It is narrated in the authentic *aḥādīth* that the Apostle of Allah (may peace be upon him) said: Whenever one of you comes to the mosque, he should examine his shoes. If there is something dirty on them, he should rub them off and then enter the mosque and offer prayer with his shoes on

and sale by *munābadhah*[489] and from one's putting on only one cloth when there is no cloth on his private parts and from wrapping one cloth around all the body.

(1642) 'Abd Allah b. 'Umar reported that 'Umar b. al-Khaṭṭāb saw a silken cloth on sale at the gate of the mosque. He told the Apostle of Allah (may peace be upon him) : O that you would buy it and wear it on Fridays or on days when people come to you ! The Apostle of Allah (may peace be upon him) said : That cloth would be worn by one who has no stock or share on the Last Day. Then came other clothes to him of the same kind. He gave one of them to 'Umar b. al-Khaṭṭāb who said : Apostle of Allah, you spoke previous to this of the cloth of 'Aṭārid that he who wears it will not have stock or share on the Last Day. The Apostle of Allah (may peace be upon him) said : Did I give this cloth for you to wear ? 'Umar b. al-Khaṭṭāb then gave the cloth away to his infidel brother[490] in Mecca.

(1643) Anas b. Mālik said : I saw 'Umar b. al-Khaṭṭāb when he was *khalīfah* that there were three patches, one upon the other, on his garment between the shoulders.

Chapter 528

ON HOW THE PROPHET (MAY PEACE BE UPON HIM) LOOKED LIKE

(1644) Anas b. Mālik reported he heard someone saying : The Apostle of Allah (may peace be upon him) was neither tall nor short of stature, neither white like lime nor very brown.[491] His hair were neither very curly[492] nor very stiff and straight. When he was forty years old, the Lord granted him Prophethood. After this he remained in Mecca for ten years and in Medina for ten years. He died when he was sixty.[493] At his death there were hardly twenty grey hair in his head and beard.

489. See *Kitāb al-Buyū'* for these terms.

490. 'Uthmān b. Ḥakīm by name.

491. He was white with a tinge of red.

492. Like the inhabitants of Abyssinia.

493. In *Ṣaḥīḥ Muslim*, it is said that he was sixty-three when he died.

Chapter 529

CHRIST AND THE DAJJĀL (ANTICHRIST)

(1645) ‘Abd Allah b. ‘Umar reported that the Apostle of Allah (may peace be upon him) declared : I dreamt one night that I was near the Ka‘bah. I saw a man of the colour of wheat,—as good a colour of wheat as you saw amongst men,—his hair fell over his shoulders—as long as you saw amongst men over the shoulders. The man was combing his hair. Water was falling from them. He was going round the Ka‘bah reclining on two men or rather on the shoulders of two men. I asked who the man was. It was said that He was Masīḥ,[494] the son of Mary. Thereafter I saw another man with curly hair, with a squint in the right eye, his squint eye being like a swollen grape. I asked who he was, and it was said he was Masīḥ al-Dajjāl[495] (Antichrist).

Chapter 530

THE WAYS OF THE BELIEVERS

(1646) Abū Hurairah said that five things were *sunnah* by birth. Paring the nails, trimming the moustaches,[496] taking out the hair of the armpits, taking out hair beneath the navel, and circumcision.

(1647) Sa‘īd b. al-Musayyab reported that (Ḥaḍrat) Ibrāhīm was the first to treat his guest, the first to circumcise, the first to trim the moustaches and was the first to say, on seeing white hair : What are these, O Lord ? The Lord said : Ibrāhīm ! this is dignity and honour. He said : Then give me more of honour, O Lord !

Chapter 531

ON EATING WITH THE LEFT HAND

(1648) Jābir b. ‘Abd Allah reported : The Apostle of Allah (may

494. He was named *Masīḥ* because he built no house and wandered about from place to place. And by his touch he cured sick men.

495. Dajjāl was called *Masīḥ* because he would in forty days go across the whole world.

496. Imām Mālik said that the moustaches should be trimmed only to clear the edge of the upper lip of hair, not that these be shaved off. He considers this a *sunnah* of the Prophet (may peace be upon him). Imām Abū Ḥanīfah prefers shaving off the moustaches.

peace be upon him) forbade eating with the left hand, walking wearing one shoe, wrapping oneself in one cloth from head to foot, sitting on heels and buttocks, wearing but one cloth so that the private parts are exposed.

(1649) 'Abd Allah b. 'Umar reported : The Apostle of Allah (may peace be upon him) said : When any of you eats, let him eat with the right hand. If you drink, drink with the right hand, for Satan eats with the left and drinks with the left.

Chapter 532

ON THE INDIGENTS

(1650) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) declared : The poor is not he who begs from house to house, getting one morsel from one place and two morsels from another, one date from one place, two dates from another. The Companions asked : Who, then, Apostle of Allah, is the poor ? He replied : It is he who has no property whereby to fulfil his needs, whose condition is not known to the people so that they may give him alms, nor does he make ready to beg.

(1651) Umm Bujaid reported that the Apostle of Allah (may peace be upon him) said : Give to the poor even if it should be a burnt hoof of the goat.

Chapter 533

ON THE INTESTINE OF AN UNBELIEVER

(1652) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said : The Muslim eats in one intestine and the unbeliever in seven intestines.

(1653) Abū Hurairah reported that there came to the Apostle of Allah (may peace be upon him) an unbeliever[497] as a guest. The Apostle asked a goat to be milked. He drank it all. A second goat was milked and he drank that too. Then the third goat was milked

497. Jahjāh b. Sa'īd Ghifārī.

and so on till he drank off the milk of seven goats. The next morning he became a Muslim. The Apostle of Allah (may peace be upon him) gave him one goat's milk and he could not drink it. It was then that he said that a Muslim drinks with one intestine and the unbeliever with seven.

Chapter 534

TO DRINK FROM A SILVER VESSEL AND TO BLOW IN WATER

(1654) Umm Salamah reported that the Apostle of Allah (may peace be upon him) declared : The man who drinks (or eats) in silver (or gold) vessel puts Hell-fire into his stomach.

(1655) Abū Muthannā al-Juhannī reported : I was sitting with Marwān b. Ḥakam when there came Abū Sa'īd al-Khudrī. Marwān asked him : Have you heard that the Apostle of Allah (may peace be upon him) prohibited blowing into water ? Abū Sa'īd replied : Yes. A man said : Apostle of Allah, I do not feel satisfied with drinking in one breath. The Apostle of Allah (may peace be upon him) directed him : Put off the drink from your mouth, take a breath and drink again. The man asked again : If I see dust or dirt in water, what should I do ? He (the Apostle) replied : Flow it away

Chapter 535

DRINKING WATER WHILE STANDING

(1656) It reached Mālik that 'Umar b. al-Khaṭṭāb, 'Alī b. Abī Ṭālib, 'Uthmān b. 'Affān drank water standing.

(1657) Ibn Shihāb reported that 'Ā'ishah, wife of the Prophet (may peace be upon him), and Sa'd b. Abī Waqqāṣ thought there was no harm in drinking water while standing.

(1658) Abī Ja'far al-Qārī saw 'Abd Allah b. 'Umar drinking water while standing.

(1659) 'Āmir b. 'Abd Allah b. Zubair reported that his father drank water while standing.

Chapter 536

TO COMMENCE SERVING WATER OR SYRUP FROM THE RIGHT SIDE

(1660) Anas b. Mālik reported that there was brought to the Apostle of Allah (may peace be upon him) milk mixed with water and on his right was a bedouin and on his left Abū Bakr Ṣiddīq. The Apostle of Allah (may peace be upon him) drank it and gave it to the bedouin[498] and said : First to the right, then to him who is on his right.

(1661) Sahl b. Sa'd Ansārī reported that milk was brought to the Apostle of Allah (may peace be upon him). He drank it. On his right was a boy and on the left elderly persons. He said to the boy: If you permit, I shall give first to these (on the left). The boy said : No, by Lord, Apostle of Allah, I do not want to let anyone have my share of what is left from your lips. The Apostle of Allah (may peace be upon him) then gave it first to him.

Chapter 537

MISCELLANEOUS *AḤĀDĪTH* ON EATING AND DRINKING

(1662) Anas b. Mālik reported that Abū Ṭalḥah (the second husband of Umm Sulaim who was the mother of Anas) told Umm Sulaim : I had heard the Apostle of Allah (may peace be upon him) in a condition when he could hardly speak on account of hunger, and I asked her : Have you anything to eat ? She said : Yes. She took out some barley bread and, wrapping them in a piece of cloth, put them in my armpit and covered me with a cloth and sent me to the Apostle of Allah (may peace be upon him). I took them to him. He was sitting in the mosque and many persons were sitting with him. I stood and waited. The Apostle of Allah (may peace be upon him) himself asked: Has Abū Ṭalḥah sent you ? I said : Yes. He said : Something to eat ?

498. Although Abū Bakr Ṣiddīq was much superior in rank to the bedouin, the Prophet (may peace be upon him) preferred to commence serving the drink to those on the right. He always liked to start doing a thing from the right, even while performing ablutions and wearing shoes.

I said : Yes. The Apostle of Allah (may peace be upon him) asked all the people present to get up and they rose and accompanied him. I went in advance and informed Abū Ṭalḥah. Abū Ṭalḥah told Umm Sulaim : The Apostle of Allah (may peace be upon him) is coming over with a number of people and we do not have food for so many. Umm Sulaim replied : God and His Messenger will know. Abū Ṭalḥah went out and joined the Apostle of Allah (may peace be upon him)[499] and the two came in. The Apostle of Allah (may peace be upon him) said : Umm Sulaim, take out whatever is with you. Umm Sulaim brought the same bread. The Apostle of Allah (may peace be upon him) asked the bread to be broken into pieces. Umm Sulaim then dropped a little butter over it and it became a paste and then the Apostle of Allah (may peace be upon him) read on it whatever the Lord had willed.[500] He then directed that ten men be asked to come in. They came, ate to the fill and departed. He sent for ten more. They too ate to their heart's content and departed. He called for ten more and they too ate until they were satisfied. So much so that all men, seventy or eighty, ate to their fill.[501]

(1663) Abū Hurairah reported : The Apostle of Allah (may peace be upon him) said : A meal for two suffices for three and that for three suffices for four.

(1664) Jābir b. 'Abd Allah al-Salamı reported : The Apostle of Allah (may peace be upon him) said : Keep the door shut, tie the mouth of the water-skin and keep the plates covered, put out the lamp, for Satan does not open the door, does not take out the stopper, does not uncover the plates. The mouse carries away the wick which

499. And told him (the Prophet) in secret that they had only a small quantity of bread. He said : I had sent Anas for the very reason to call you alone. The Holy Prophet (may peace be upon him) said : Let us go. Allah will bless the bread. Imām Aḥmad narrates that the weight of the bread was only one raṭl of barley flour, while Imām Bukhārī says it was one mudd.

500. Imām Muslim narrates that the Holy Prophet (may peace be upon him) moved his hand over the bread and prayed to Allah for His blessing. Imām Aḥmad says that when the Holy Prophet (may peace be upon him) prayed for blessing he saw that the dough was inflating and increasing.

501. The Holy Prophet (may peace be upon him) called the people in batches of ten because there was limited space in the house. Moreover, there was only one container from which all the people could not eat.

sets fire to the house.

(1665) Abī Shuraiḥ al-Ka'bī reported : The Apostle of Allah (may peace be upon him) declared : He who believes in Allah and the Last Day should speak fair words or keep silence, and he who believes in Allah and the Last Day should entertain his neighbour, and he who believes in Allah and the Last Day should entertain well his guest for a day and a night and give him whatever he has to eat for three days and nights, and, if he does more, he gets the reward. The guest should not stay so long with the host as to cause him inconvenience.

(1666) Sumayy, the freedman of Abū Bakr, reported on the authority of Abū Ṣāliḥ al-Sammān who, on the authority of Abū Hurairah, reported : The Apostle of Allah (may peace be upon him) said : A man was going his way. He felt very thirsty. He saw a well. He descended in and drank water. When he climbed out, he saw a dog gasping with thirst and licking the mud. He said to himself : The dog must be feeling as bad with thirst as I did. He descended again into the well and having filled his shoe with water and, holding it in his mouth,[502] climbed up and gave the dog water to drink. The Lord was pleased and forgave him his sins. The Companions asked : Apostle of Allah, is there virtue in giving water to animals? He replied : Why not, every living creature has the liver of virtue.[503]

(1667) Jābir b. 'Abd Allah reported : The Apostle of Allah (may peace be upon him) sent a force towards the seashore and appointed Abū 'Ubaidah b. al-Jarrāḥ as commander. The force consisted of three hundred men and I was one of them. He said : We set out and as we passsed along, our provision came to an end. Abū 'Ubaidah ordered the leavings to be put together. It was done and it was found to be as much as two piles of dates. Abū 'Ubaidah gave from it a little to us every day until only one date was served to each of us and even that was finished. And then we knew the value of food. When we reached the seashore we found a fish as big as a bullock. The whole force ate from it for eighteen days and nights. Abū 'Ubaidah ordered its bones

502. It would have been difficult to climb up the well, for which reason he had to hold the shoe in his mouth.

503. The exception is that of such animals as snakes or swine.

to be set up. When two of the fish's bones were thus set up, a camel went from beneath them and did not touch them.

(1668) The grandmother of 'Umar b. Sa'd b. Mu'ādh reported that the Apostle of Allah (may peace be upon him) declared: O Muslim women, do not debase, any of you, your neighbour, even if only a goat's hoof is sent to you.

(1669) 'Abd Allah b. Abū Bakr reported: The Apostle of Allah (may peace be upon him) said: May the Lord destroy the Jews! When fat was prohibited to them, they sold it and consumed its cost.[504]

(1670) It reached Mālik that Ḥaḍrat 'Īsā son of Mary (may Allah bless him) used to say: O Israelites, drink water and eat barley bread and greens and vegetables and do not eat wheaten bread; you would not be able to repay its gratitude.

(1671) It reached Mālik that the Apostle of Allah (may peace be upon him) entered the mosque and found Abū Bakr Ṣiddīq and 'Umar b. al-Khaṭṭāb there. He asked them how they came to be there. They said: On account of hunger. The Apostle of Allah (may peace be upon him) said: I too have set out for that reason. They then went to Abī al-Haitham b. Tayyihān Anṣārī. He ordered barley bread to be cooked and made ready to slaughter a sheep. The Apostle of Allah (may peace be upon him) said: Leave off the milch one. He slaughtered another and, filling the outer skin with fresh water, hung it on the tree. When the meal came, all ate it, and drank water. The Apostle of Allah (may peace be upon him) then said: Even this is a blessing regarding which you would be questioned (on the Judgment Day).

(1672) Yaḥyā b. Sa'īd narrated: 'Umar b. al-Khaṭṭāb was eating bread with *ghee*. A bedouin came and he invited him. He began eating and with the bread he ate all the sediment of the *ghee* that was attached to the cup. 'Umar said: You are very greedy. He said: By Lord, I had not for long eaten *ghee* nor seen it eaten with bread. 'Umar vowed that he too would not take *ghee* until conditions got back to the original state.[505]

(1673) Anas b. Mālik reported: I saw 'Umar b. al-Khaṭṭab and he

504 It means that it is not right to sell a thing which is not lawful to eat.

505. There was famine in a part of the country.

was at the time Commander of the Faithful. One ṣā' of dates were put before him and he ate them, even the bad ones.

(1674) 'Abd Allah b. 'Umar reported: 'Umar b. al-Khaṭṭāb was asked about the eating of locusts. He said: I wish I had a pouch of locusts so that I could eat them.

(1675) Ḥumaid b. Mālik b. Khuthaim reported: I was sitting with Abū Hurairah on his land in 'Aqīq. Some people of Medina came to him riding on animals and dismounted. Ḥumaid said: Abū Hurairah asked me to go to his mother and say to her: Your son greets you and asks for some food. I went to her and she gave me three breads, a bottle of olive oil and a bottle of salt. She placed them all on my head. I took them to Abū Hurairah. When I placed them before him, Abū Hurairah said: Allah-o-Akbar, thanks be to the Lord that He has filled our stomachs with bread. Previously we had nothing to eat but dates and water. That food was not sufficient for the men. When they went away, Abū Hurairah told me: O son of my brother, keep well your sheep, keep wiping off their noses and clean their fold and say your prayers in a corner of that place for these are the animals of heaven. By Lord, Who holds my life in His possession, a time will soon come when a small flock of sheep will be held dearer by men than the house of Marwān.[506]

(1676) Abī Nu'aim Wahab b. Kaisān reported: The meal was spread before the Apostle of Allah (may peace be upon him) and with him was his half-brother 'Umar b. Abī Salamah (son of Umm Salamah by her first husband). The Apostle of Allah (may peace be upon him) told him to eat from in front and say *Bismillah* (in the name of Allah).

(1677) Yaḥyā b. Sa'īd reported: I heard Qāsim b. Muḥammad saying: A man came to 'Abd Allah b. 'Abbās and said: I have an orphan boy with me who is the owner of some camels. May I drink the milk of his camels? Ibn 'Abbās said: If you search for his stray camels and treat those camels of his that suffer from itch, clean their reservoir and give them water to drink on drinking days, then drink their milk, but not in such a manner that nothing is left for their

506. Marwān, then the ruler at Medina, had a big house. The *hadith* means that because of disorder and disturbances it would be safer to be ni the wilderness than ruling in a city.

young ones, that the breed should be affected or the she-camel herself suffers.

(1678) 'Urwah b. Zubair reported: Whenever any article of food and drink was brought before me, even if it be medicines, I would eat and drink and say: All praise is to the Lord Who gave us direction, fed us and gave us to drink and granted us favours. The Lord is great. O Lord, Thy favour was shown to us at a time when we were wholly given up to evil. On account of Thy favour, we spent our mornings and evenings. We desire heartily that Thou completest Thy favour to us and promptest us to be grateful. There is no good apart from Thy good. There is no true Lord but Thou. O Creator of food and the Preserver of the whole world, all good is Thine. Nothing is true save Thou. Whatever the Lord desireth happens. None has power save Allah. O Lord, bless our sustenance and save us from the fire of Hell.

Imām Mālik was asked: How is it that a woman takes food with a man who is not a *maḥram* or with a slave? He said: There is no harm in it provided doing that is in her good and there are other people there. He also said: The woman takes food sometimes with her husband, sometimes with a stranger whom her husband provides food, sometimes with her brother. It is repugnant for a woman to keep company with a stranger in a closed place.

Chapter 538

ON EATING MEAT

(1679) Yaḥyā b. Sa'īd reported that 'Umar b. al-Khaṭṭāb said: Avoid (taking excess of) meat, for meat becomes a habit like that of wine (and it becomes difficult to give it up).

(1680) Yaḥyā b. Sa'īd reported that 'Umar b. al-Khaṭṭāb saw Jābir b. 'Abd Allah Anṣārī with a load of meat. 'Umar asked: What is it? He replied: O Commander of the Faithful, we had a desire to eat meat and, therefore, I have bought one dirham of meat. 'Umar asked: Does not one of you desire to curb the craving of the stomach and feed his neighbour or feed the son of his uncle? Have you forgotten the verse:

أَذْهَبْتُمْ طَيِّبَٰتِكُمْ فِى حَيَاتِكُمُ ٱلدُّنْيَا وَٱسْتَمْتَعْتُم بِهَا

[You enjoyed the pleasures of the world and profited much ; now suffer today the punishment.]

Chapter 539

ON WEARING A FINGER RING

(1681) 'Abd Allah b. 'Umar reported : The Apostle of Allah (may peace be upon him) used to wear a gold ring. One day he stood and threw it away and said : I shall not wear it any more. The people also threw away their rings.[507]

(1682) Ṣadaqah b. Yasār said : I asked Sa'īd b. al-Musayyab regarding the wearing of a ring. He said : Wear and tell people that I have asked thee to wear.

Chapter 540

ON PUTTING STRAPS AND HANGING BELLS IN THE NECKS OF ANIMALS

(1683) 'Abbād b. Ṭamīm reported that Abū Bashīr Anṣārī informed him that he was with the Apostle of Allah (may peace be upon him) on one of his journeys. The Apostle of Allah (may peace be upon him) sent word through a man when people were sleeping, to cut off from the necks of camels straps of wool or any kind of strap.

Chapter 541

A VICTIM OF EVIL EYE SHOULD MAKE ABLUTION

(1684) Abū Umāmah b. Sahl b. Ḥunaīf related that Abū Sahl b. Ḥusain bathed at Kharrār.[508] He took out his mantle and 'Āmir b. Rabī'ah was looking on. Sahl was white-complexioned. 'Āmir b. Rabī'ah said : I have never looked on a man like the man of today,

507. According to the *Ṣaḥiḥain*, the Holy Prophet (may peace be upon him) then got a silver ring made for him. The people also followed suit.

508. A place near Juḥfah.

nor have I seen the skin of a maiden so fine. Immediately Sahl started temperature and he had high fever. A man went to the Apostle of Allah (may peace be upon him) and reported: Sahl has fever and will not be able to accompany you, Apostle of Allah. Sahl came to the Apostle of Allah (may peace be upon him) and reported what 'Āmir b. Rabī'ah had spoken. The Apostle of Allah (may peace be upon him) said: Will one of you kill your brother, and asked 'Āmir: Why did you not say: May Allah bless you? The evil eye is true. Sahl was asked to perform ablution. 'Āmir also performed ablution for Sahl. Sahl got well and accompanied the Apostle of Allah (may peace be upon him).

(1685) Abū Umāmah b. Sahl b. Ḥunaif related that 'Āmir b. Rabī'ah saw Sahl b. Ḥunaif bathing and said: I have never seen a man like that of today nor seen any *purdah* lady with so fine a skin. Immediately Sahl fell from his place. The people reported the matter to the Apostle of Allah (may peace be upon him) and said: Have you any care of Sahl b. Ḥunaif? By Lord, he cannot even raise his head. The Apostle of Allah (may peace be upon him) asked: Who, do you think, gave him the evil eye? They said that it was 'Āmir b. Rabī'ah. The Apostle of Allah (may peace be upon him) sent for 'Āmir and was angry and said: Why does one of you kill his brother? Why did you not say: God bless you? Bathe now on his account. 'Āmir washed his face and hands and elbows and knees to the edges of his feet and the body below the waist and the water was gathered in a pot and poured on Sahl. Sahl recovered and accompanied the people.

Chapter 542

ON EXORCISING FOR EVIL EYE

(1686) Ḥumaid b. Qais Makkī reported that two sons of Ja'far b. Abū Ṭālib came to the Apostle of Allah (may peace be upon him), who, looking at them, asked their nurse as to why they were so thin. She replied: Apostle of Allah, they are easily affected by the evil eye and we did not exorcise for we did not know whether you would allow it. The Apostle of Allah (may peace be upon hum) said: Do chant

prayer for them. If anything advances in front of fate, it is the eye.[509]

(1687) 'Urwah b. Zubair reported: The Apostle of Allah (may peace be upon him) came to the apartment of Umm Salamah, wife of the Prophet (may peace be upon him), and there was a child crying in the house. People said that he was affected by evil eye. The Apostle of Allah (may peace be upon him) said: Why did you not exorcise?

Chapter 543

ON THE REWARD FOR A SICK PERSON

(1688) 'Aṭā' b. Yasār reported: The Apostle of Allah (may peace be upon him) said: When a creature gets sick, the Lord sends two angels towards him with orders to watch and hear what he says to people who come to enquire after his health. If he praises the Lord before them, the two angels climb up to the Lord, and He knows all quite well, but He asks. He then says: If We should recall Our creatures We would have him admitted in Heaven and if We should give him health, We would grant him better flesh and blood and pardon him.

(1689) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported that the Apostle of Allah (may peace be upon him) said: No pain or sorrow or trouble comes upon a believer—not even a thorn pricks him—but that his sins are pardoned.

(1690) Abū Hurairah reported: The Apostle of Allah (may peace be upon him) said: With whosoever the Lord desires to be kind and merciful, He subjects him to pains and troubles.

(1691) Yaḥyā b. Sa'īd reported that a man died during the time of the Apostle of Allah (may peace be upon him). A man said: What a good death had he, neither illness nor anything else! The Apostle of Allah (may peace be upon him) said: What do you say? What do you know? If the Lord had afflicted him with a disease, He would have forgiven him his sins.

509. Nothing, not even an evil eye, can go against fate; what is destined must happen, but there is no harm in using amulets or praying for the one afflicted or chanting something for him provided there is nothing in it that is against the *Sharī'ah*.

Chapter 544

ON THE USE OF TALISMAN AND CHANTS DURING SICKNESS

(1692) 'Uthmān b. Abī al-'Āṣ said that he went to the Apostle of Allah (may peace be upon him) and reported that he was suffering from such acute pain as brought him near death. The Apostle of Allah (may peace be upon him) said: Pass your right hand seven times upon the seat of pain and say:

أَعُوذُ بِعِزَّةِ اللهِ وَقُدْرَتِهِ مِنْ شَرِّ مَآ أَجِدُ ؏

[I seek refuge in the honour and power of Allah from the evil that has come upon me.]

'Uthmān said: I recited accordingly and my pain vanished and that I asked my household and others always to do so.

(1693) 'Ā'ishah reported that whenever the Apostle of Allah (may peace be upon him) fell ill, he would recite *sūrahs* 112, 113 and 114 [of the Holy Qur'ān] and blow his breath upon himself. 'Ā'ishah adds: When he fell very ill, I read these *sūrahs* and moved his right hand upon his body for the sake of blessing.[510]

(1694) 'Amrah, daughter of 'Abd al-Raḥmān, reported that Abū Bakr Ṣiddīq went to 'Ā'ishah when she was ill and a Jewess was reciting something and blowing her breath on her. Abū Bakr Ṣiddīq asked (her) to recite the Book of the Lord (Torah or Qur'ān) and blow her breath (on 'Ā'ishah).

Chapter 545

ON THE TREATMENT OF THE SICK

(1695) Zaid b. Aslam reported that a man was wounded in the time of the Apostle of Allah (may peace be upon him) and blood congealed at the (wounded) spot. The man sent for two men from

510. Ḥaḍrat Ā'ishah did not move her own hand on the Prophet's (may peace be upon him) body but, taking hold of his hand, moved it on his body for the sake of blessing and for his early recovery. Ṭabrānī reports that Ḥaḍrat 'Ā'ishah was moving her hand on his chest and praying for his recovery. When he felt some relief, he said: No, I wish to meet the Mighty Lord and Spirits of the Prophets.

Banī 'Ammār. The two came and saw. The Apostle of Allah (may peace be upon him) asked: Which of you knows more of medicine? They said: Is medicine of any use, Apostle of Allah? Zaid said: I think that the Apostle of Allah (may peace be upon him) declared: He Who has sent disease has also sent the medicine.

(1696) Yaḥyā b. Sa'id reported: It reached me that Sa'd b. Zurārah got himself branded in the time of the Apostle of Allah (may peace be upon him) for *dhubḥah*[511] and he died.

(1697) Nāfi' reported that 'Abd Allah b. 'Umar was branded for facial paralysis and exorcised for scorpion sting.

Chapter 546

TAKING BATH WITH WATER WHILE IN FEVER

(1698) Fāṭimah, daughter of Mundhir, reported that whenever a woman suffering from fever came to Asmā', daughter of Abū Bakr, she would send for water and pour it on her collar and say that the Apostle of Allah (may peace be upon him) used to order the cooling of fever by means of water.

(1699) 'Urwah b. Zubair reported that the Apostle of Allah (may peace be upon him) declared that fever was the boiling of Hell; cool it by water.

Chapter 547

ON VISITING THE SICK AND BAD OMENS

(1700) Jābir b. 'Abd Allah reported that the Apostle of Allah (may peace be upon him) said: When any one of you goes to see a sick person, he thrusts himself into the mercy of the Lord and when he sits there that mercy enters his being, or said something of the sort.

(1701) Ibn 'Aṭīyyah reported that the Apostle of Allah (may peace be upon him) said: There was nothing like infection nor a bad-

511. A kind of pain in affected throat.

omened owl, nor the bad month of Ṣafar, but a sick camel should not be seated by a healthy one. The man whose camel is healthy may dismount where he may like. They said: Apostle of Allah, what is that? The Apostle of Allah (may peace be upon him) said: It is a disease.

Chapter 548

THE *SUNNAH* ON THE HAIR

(1702) 'Abd Allah b. 'Umar reported: The Apostle of Allah (may peace be upon him) ordered the shaving of moustaches[512] and of growing the beards.

(1703) Ḥumaid b. 'Abd al-Raḥman b. 'Auf reported that he heard Mu'āwiyah b. Abū Sufyān saying during the year when he performed the *Ḥajj*, and he was preaching on the pulpit, that he took from the hands of his servant a tuft of hair and said: O men of Medina, where are your learned men? I heard that the Apostle of Allah (may peace be upon him) prohibited this and said that Banī Isrā'īl were destroyed when their women did this.[513]

(1704) Ibn Shihāb reported that the Apostle of Allah (may peace be upon him) used to let his hair hang on the forehead for a long time and later began to part them.[514]

(1705) 'Abd Allah b. 'Umar thought it repugnant to castrate, for keeping the testicles is to complete the act of procreation.

(1706) Ṣafwān b. Sulaim learnt that the Apostle of Allah (may peace be upon him) said: I and the person who brought up an orphan, whether he be his relation or not, would be like these two fingers in Heaven when he acts piously. He pointed to his fore and middle fingers.

512. The *'Ulamā'* differ on this. Some say it is better to trim the moustaches, while others prefer shaving them off. According to a *ḥadith* narrated by Tirmidhī from Ibn 'Abbās, the Holy Prophet (may peace be upon him) used to trim his moustaches.

513. In another *ḥadith*, it is said that Allah cursed the woman who fixed another woman's hair in hers, and on a woman who puts on false hair, and on a woman who has her body tattooed in blue. Both Imāms Bukhārī and Muslim reported this from 'Abd Allah b. 'Umar.

514. The People of the Book hang their hair on the forehead. The Holy Prophet (may peace be upon him) did the same in the first instance, but later he began to part them.

Chapter 549

ON COMBING THE HAIR

(1707) Yaḥyā b. Sa'īd reported that Abū Qatādah Anṣārī told the Apostle of Allah (may peace be upon him): My hair are until my shoulders. Shall I comb them? The Apostle of Allah (may peace be upon him) said: Yes, comb them and honour them. Abū Qatādah used sometimes to oil his hair twice a day, for the Apostle of Allah (may peace be upon him) had asked him to honour them.

(1708) Zaid b. Aslam reported on the authority of 'Aṭā' b. Yasār: The Apostle of Allah (may peace be upon him) was sitting in the mosque when a man the hair of whose head and beard were wild and dishevelled came in. The Apostle of Allah (may peace be upon him) signed to him with his hand to go out, arrange his hair and come back. He acted accordingly and came in. The Apostle of Allah (may peace be upon him) said: Is not this better than one of you coming in with hair dishevelled as though it was Satan.

Chapter 550

ON DYEING THE HAIR

(1709) Abū Salamah b. 'Abd al-Raḥmān reported that 'Abd al-Raḥmān b. Aswad b. 'Abd Yaghūth was his comrade and the hair of his head and beard were all white. One morning he came with his hair dyed red. Men said that it was well. He said: My mother, 'Ā'ishah, wife of the Prophet (may peace be upon him), sent word one night through her slave-girl Nukhailah advising me to dye my hair and stated that Abū Bakr Ṣiddīq also used to dye (his hair).[515]

Chapter 551

ON SEEKING REFUGE FROM SATAN WHEN SLEEPING

(1710) Yaḥyā b. Sa'īd said: I learnt from Khālid b. Walīd who

515. Imām Mālik said: I have not heard any *ḥadīth* about dyeing the hair black. It is better to dye hair in any other colour than black. It is better still not to dye hair, if Allah wills. But there is no harshness in this.

told the Apostle of Allah (may peace be upon him): I feel afraid during sleep. The Apostle of Allah (may peace be upon him) said: Recite:

أَعُوذُ بِكَلِمَاتِ اللهِ التَّآمَّةِ مِنْ غَضَبِهٖ وَعِقَابِهٖ وَشَرِّ عِبَادِهٖ وَمِنْ هَمَزَاتِ الشَّيَاطِيْنِ وَاَنْ يَّحْضُرُوْنِ ؁

[I seek refuge from all the Words of the Lord, from His wrath and punishment, from the mischief of His creatures and the promptings of Satan and the approach of Satans towards me.]

(1711) Yaḥyā b. Sa'īd reported: On the night of the *Mi'rāj* of the Apostle of Allah (may peace be upon him), a genii appeared with a torch of fire in his hand. When the Apostle of Allah (may peace be upon him) saw him, he seemed to approach him. Gabriel said: Shall I not teach you some words by which, if you repeat, his flame will be extinguished and the heat gone. The Apostle of Allah (may peace be upon him) said: Why not? (Teach me the words.) Gabriel said: Say:

أَعُوذُ بِوَجْهِ اللهِ الْكَرِيْمِ وَبِكَلِمَاتِ التَّآمَّاتِ الَّتِيْ لَا يُجَاوِزُهُنَّ بَرٌّ وَّلَا فَاجِرٌ مِّنْ شَرِّ مَا يَنْزِلُ مِنَ السَّمَآءِ وَمِنْ شَرِّ مَا يَعْرُجُ فِيْهَا وَشَرِّ مَا ذَرَأَ فِي الْاَرْضِ وَشَرِّ مَا يَخْرُجُ مِنْهَا وَمِنْ فِتَنِ اللَّيْلِ وَالنَّهَارِ وَمِنْ طَوَارِقِ اللَّيْلِ وَالنَّهَارِ اِلَّا طَارِقٌ يَّطْرُقُ بِخَيْرٍ يَّا رَحْمٰنُ ؁

[I seek refuge from the Face (Presence) of Allah Who is very Honourable and from His Words which are complete, and good or bad cannot excel them, from the evil of what descends from the heaven and from the evil of what ascends to the heaven, and from the evil of everything that He causes to grow from the earth and from that which sprouts forth from the earth, and from the mischiefs and happenings of day and night, except those which are better, O Merciful.][516]

(1712) Abū Hurairah reported that a man of the tribe of Aslam told the Apostle of Allah (may peace be upon him) that he did not sleep during the night. The Apostle of Allah (may peace be upon him) asked: Why? He said: A scorpion had stung me. The Apostle of Allah (may peace be upon him) said: If you had recited at evening

516. Nasā'ī reports that when the Holy Prophet (may peace be upon him) uttered this prayer, the genii fell prostrate and his flame was extinguished.

time:

أَعُوذُ بِكَلِمَاتِ اللهِ التَّامَّاتِ مِنْ شَرِّ مَا خَلَقَ ‌ؕ

[I seek refuge in the words of Allah against the evil of the things that He has created]

it would have done you no harm.

(1713) Qa'qa' b. Ḥakīm reported: Ka'b al-Aḥbār[517] said: If I had not recited certain words the Jews would have turned me into an ass. The people asked what were those words. He replied:

أَعُوذُ بِوَجْهِ اللهِ الْعَظِيمِ الَّذِى لَيْسَ شَىْءٌ أَعْظَمَ مِنْهُ وَبِكَلِمَاتِ اللهِ التَّامَّاتِ الَّتِى لَا يُجَاوِزُهُنَّ بَرٌّ وَّلَا فَاجِرٌ وَّبِأَسْمَاءِ اللهِ الْحُسْنٰى كُلِّهَا مَا عَلِمْتُ مِنْهَا وَمَا لَمْ أَعْلَمْ مِنْ شَرِّ مَا خَلَقَ وَبَرَأَ وَذَرَأَ ‌ؕ

[I seek refuge in the Face (Presence) of Allah Who is the Greatest of all, and nothing is greater than Him, and in His Complete Words which no one, good or bad, can excel, and in the Beautiful Names of Allah which I know and which I do not know, against the evil of the thing that He has made, created and spread.]

Chapter 552

ON THOSE WHO KEEP FRIENDSHIP FOR THE SAKE OF ALLAH

(1714) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) declared: The Lord will, on the Day of Judgment, ask: Where are those men who kept up mutual friendship to declare My greatness? This day I shall give them shade. This is the day when there is no shelter but Mine.

(1715) Abī Sa'īd al-Khudrī or Abū Hurairah reported: The Apostle of Allah (may peace be upon him) said: There are seven persons whom the Lord will grant His shelter on the Day (of Judgment) when there will be no shelter but His. They are: the just leader, the young man who, with the fervour of youth, will busy himself in the adoration of Allah, the man whose heart shall be engaged in the

517. A great Rabbi of the Jews who later accepted Islam.

mosque from the time of his start till his return, the two persons who love each other for the sake of the Lord, meet for Him and separate for Him, the man who adores the Lord in solitude and both his eyes should be overflowing with tears, the man whom a respectable and beautiful woman should be inviting for intercourse and he should say: I fear Allah, the Preserver of all the worlds, and the man who gives charity secretly so that when he gives with the right hand, his left hand remains ignorant.

(1716) Abū Hurairah reported: The Apostle of Allah (may peace be upon him) declared: When the Lord likes a man He calls out to Gabriel and says: O Gabriel, verily I have made so and so My friend; thou also make friend with him, and Gabriel holds him dear. Gabriel then calls to the dwellers of the sky (the angels): Verily the Lord kept so and so dear, therefore do ye hold him dear too, and the dwellers of the sky love him. Then is the acceptance in love of that man made to descend upon the earth, i.e. the pious and righteous men of the world know him to be endeared and love him. And when Allah is angry with a man, He does the same (in the reverse way).

(1717) Abū Idrīs Khaulānī reported: I entered the mosque of Damascus and saw there a white-toothed young man, with a large following. When they differed in any matter, they turned towards him and accepted his authority and stayed by his decision. I asked who he was. It was said that he was Mu'ādh b. Jabal. The next day I went early in the morning and found that he had come earlier and was saying his prayers. I waited and when he had finished his prayers, I went before him and grabbed him and said: I admire you for the sake of the Lord. He asked: For Allah's sake? I said: Yes. He again asked: For Allah's sake? I said: Yes. He (for the third time) asked: For Allah's sake? and I (again) said: Yes. He then took hold of me and of my cloth and pulled me, and said: Be happy I heard the Apostle of Allah (may peace be upon him) saying: The Lord says: Obligatory has become My love for those who hold friendship and love for My sake and sit together for My sake and go to visit each other for My sake.

(1718) Mālik reported that it reached him from 'Abd Allah b.

'Abbās who used to say : Out of the twenty-five constituents of Prophethood, moderation, gentleness and good appearance is one part.

Chapter 553

ON DREAMS

(1719) Anas b. Mālik reported : The Apostle of Allah (may peace be upon him) said : The good dream of a pious man is a part of the forty-six parts of Prophethood.

(1720) Abū Hurairah reported to the same effect as having been said by the Apostle of Allah (may peace be upon him).

(1721) Abū Hurairah reported : When the Apostle of Allah (may peace be upon him) finished his morning prayer, he used to ask whether anyone had dreamt a dream, and used to say : After me there would be nothing left of Prophethood except good dreams.

(1722) 'Aṭā' b. Yasār reported : The Apostle of Allah (may peace be upod him) declared : Nothing would remain of Prophethood after me except good tidings. The Companions asked : Apostle of Allah, what do you mean by tidings? He replied : Good dreams seen by a good man and those seen for him by another man. This is one part of the forty-six parts comprising Prophethood.

(1723) Abū Qatādah b. Rib'ī reported that he heard the Apostle of Allah (may peace be upon him) say : Good dreams are from the Lord and bad dreams from Satan. When any of you sees a thing which is repugnant to him, he should blow breath thrice towards the left and seek refuge in the Lord from his mischief. He ((the Satan) would then not be able to do him any harm, if God wills. Abū Salamah said: I used previously to see dreams which were heavier on me than mountains, but after hearing this *ḥadīth* I cared no more.

(1724) 'Urwah b. Zubair used to say that the words of the Lord :

لَهُمُ الْبُشْرٰى فِى الْحَيٰوةِ الدُّنْيَا وَفِى الْاٰخِرَةِ

[There are glad tidings for them here and in the Hereafter]

mean good dreams which a man should himself see or others see for him.

Chapter 554

ON GAMES OF DICE OR PLAYING CHESS

(1725) Abū Mūsā al-Ash'arī reported: The Apostle of Allah (may peace be upon him) said that he who played chess disobeyed Allah and His Messenger.

(1726) 'Ā'ishah, wife of the Prophet (may peace be upon him), reported: There were some people living in my house. I heard that they had chess with them. I sent word asking them to take it off from my house or that I would evict them from there. I consider it evil.

(1727) 'Abd Allah b. 'Umar reported that whenever he saw any of his household playing with pieces (chess), he would beat him and break the pieces. Yaḥyā said: I heard Mālik saying that there is no good in chess; he considered it repugnant. I heard Mālik saying that playing chess and the playing of other such games is all repugnant and he used to recite the verse:

فَمَاذَا بَعْدَ الْحَقِّ إِلَّا الضَّلَالُ ‎

[So what is there after Truth but ignorance !]

Chapter 555

ON GREETING OTHERS WITH *SALĀM*

(1728) Zaid b. Aslam reported: The Apostle of Allah (may peace be upon him) said: The rider should greet the pedestrian and that if one from among the party greets it would suffice for all.

(1729) Muḥammad b. 'Amr b. 'Aṭā' reported: I was sitting with 'Abd Allah b. 'Abbās when a man of Yemen arrived and said: *Al-Salāmu 'Alaikum wa Barakātuhū* and something more. Ibn 'Abbās had at that time lost his eyesight. He asked who he was and was told that he was the same man of Yemen who used to come to him in the past and gave details so that Ibn 'Abbās recognised him. Ibn 'Abbās said: The greeting ends with *Barakātuhū* and nothing should be added to it. Yaḥyā said that Mālik was asked about a man's greeting a woman. He said there is no harm in greeting an old woman, but I do not like

greeting a young woman.

Chapter 556

ON GREETING A JEW AND A CHRISTIAN

(1730) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) declared: When the Jews greet you they say: *Al-Sāmu 'Alaikum* (Death be upon you) instead of *al-Salāmu 'Alaikum*. You too reply: *Wa 'alaikum* (And upon you).[518]

Chapter 557

MISCELLANEOUS *AḤĀDĪTH* ON *SALĀM*

(1731) Abū Wāqid Laithī reported: The Apostle of Allah (may peace be upon him) was sitting in the mosque amidst company when three men came, two of whom approached the Apostle of Allah (may peace be upon him) and the third went away. When the two came near, one of them found a place in the circle and sat down and the other sat behind. The third had already left. When the Apostle of Allah (may peace be upon him) finished (his address to the men) he said: Shall I not show you the truth about these three men? One of them came towards the Lord and the Lord gave him place. The other felt shy—the Lord felt shy with him too. The last turned away and the Lord also turned away from him.

(1732) Anas b. Mālik heard from 'Umar b. al-Khaṭṭāb that a man greeted him and he returned his greeting and 'Umar then asked the man: How do you do? He said: I thank the Lord. 'Umar replied that that was what he intended.

(1733) Ṭufail b. Ubayy b. Ka'b used to go to 'Abd Allah b. 'Umar and accompany him early in the morning to the market. Ṭufail says: After reaching the market, 'Abd Allah b. 'Umar used to greet every common vendor, every shopman and all the poor. One day Ṭufail went to 'Abd Allah b. 'Umar who wanted to take him to the market. Ṭufail

518. Imām Mālik was asked whether a Muslim greeting a Jew or a Christian with *Salām* should annul it. He said: No, but he should ask repentance of Allah for he did against Divine command.

said: What would you do at the bazaar? You neither stay at the vendors, nor enquire after any goods, nor enquire the price, nor sit in the market gatherings. It would be better if you sit here and you and I shall talk. 'Abd Allah b. 'Umar said: O man of belly, (there) we meet, we greet.

(1734) Yaḥyā b. Sa'īd reported: A man greeted 'Abd Allah b. 'Umar and said:

اَلسَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللهِ وَبَرَكَاتُهُ وَالْغَادِيَاتُ الرَّائِحَاتُ ؛

[Peace be upon you and Allah's blessings, bounties of the morning and evening, both descending and ascending.]

'Abd Allah b. 'Umar replied: Upon you thousands of times, as if he had disliked it.[519]

(1735) It reached Mālik that if a man should go into a house lying vacant he should say:

اَلسَّلَامُ عَلَيْنَا وَعَلَى عِبَادِ اللهِ الصّٰلِحِيْنَ ۝

[Peace be upon us and the pious men of Allah.]

Chapter 558

ON ASKING PERMISSION ON ENTERING ONE'S HOUSE

(1736) 'Aṭā' b. Yasār reported: A man asked the Apostle of Allah (may peace be upon him): Should I ask permission from my mother when entering the house? He (the Apostle) said: Yes. The man said: I live in the same house with her. But the Apostle of Allah (may peace be upon him) said: You should take her permission and enter. The man said: I serve her. The Apostle of Allah (may peace be upon him) said: Ask for her permission and enter. Do you wish to see her naked? He replied: No. Then, said the Apostle, take her permission and enter.

(1737) Abū Mūsā Ash'arī reported that the Apostle of Allah (may peace be upon him) said: Permission (to enter the house) should be

519. Because the greeting ends with *Barakātuhū* and saying anything more is not permitted.

taken three times. Enter if permission is granted, otherwise return.

(1738) Rabī'ah b. Abī 'Abd al-Raḥmān reported: I heard from several learned men that Abū Mūsā Ash'arī desired to enter the house of 'Umar b. al-Khaṭṭāb three times, and when he received no reply on all the three occasions, he turned back. 'Umar b. al-Khaṭṭāb sent a man after him and, when he came, asked why he had not entered. Abū Mūsā Ash'arī said: I had heard the Apostle of Allah (may peace be upon him) saying: Permission should be asked three times and if it is given then enter, otherwise turn back. 'Umar b. al-Khaṭṭāb said: If anyone else is aware of this (*ḥadīth*) bring him (to me); if you do not, I shall do so and so to you. Then Abū Mūsā set out until he came to the mosque and saw a number of men seated there in an assembly called the *Majlis-i-Anṣār*. He said: I informed 'Umar b. al-Khaṭṭāb that I heard the Apostle of Allah (may peace be upon him) saying: Permission should be asked three times and if you are given permission you should enter, otherwise turn back. 'Umar b. al-Khaṭṭāb says: If anyone else is aware, bring him over; if you do not, I shall do so and so to you. If any one of you had heard, then accompany me. They asked Abū Sa'īd Khudrī to rise and go with him. Abū Sa'īd was the youngest amongst them. He rose and went with him and reported to 'Umar b. al-Khaṭṭāb. 'Umar said to Abū Mūsā: I do not intend to accuse you, but I feared that men may ascribe things to the Apostle of Allah (may peace be upon him) (which he had not said).[520]

Chapter 559

ON ANSWERING THE PRAYER OF A PERSON WHO SNEEZES

(1739) Muḥammad b. 'Amr b. Ḥazm reported: The Apostle of Allah (may peace be upon him) said: If anyone sneezes (and says: Thank Allah) answer (by saying: Allah's mercy be upon you). If he sneezes again (and thanks Allah), reply; if he sneezes again, reply; if

520. It was a precautionary measure taken by Ḥadrat 'Umar that he did not rely on a single person's report and warned him so that people may refrain from telling lies and fear Allah, otherwise Ḥadrat Abū Musā Ash'arī was a Companion of a high rank and there was no question of his telling a lie.

he sneezes still, say that he has caught cold. 'Abd Allah b. Abū Bakr said: I do not remember whether he said this the third or the fourth time.

(1740) Nāfi' reported that when 'Abd Allah b. 'Umar sneezed (and said: Allah be thanked) and anyone replied (Allah's mercy be upon you), he would say: May Allah have mercy on us and on you and pardon us and you too.

Chapter 560

ON PICTURES AND IMAGES

(1741) Rāfi' b. Isḥāq, who was the freedman of Shifā',[521] reported: I and 'Abd Allah b. Abī Ṭalḥah went together to Abū Sa'īd Khudrī to see him in his illness. Abū Sa'īd said: The Apostle of Allah (may peace be upon him) told me that angels did not enter a house where there were pictures and images. Isḥāq is doubtful whether Abū Sa'īd said pictures or images.

(1742) 'Ubaid Allah b. 'Abd Allah b. Mas'ūd reported that he called on Abū Ṭalḥah Anṣārī during his illness and saw Sahl b. Ḥunaif also there. Abū Ṭalḥah sent for a man and asked him to take away the carpet from underneath him. Sahl asked: Why? He replied: There are pictures on it; you know what the Apostle of Allah (may peace be upon him) had said about them? Sahl replied: Did not the Apostle of Allah (may peace be upon him) say: If a picture is painted on cloth, etc., there is no harm? He said: Yes, but my heart desires this.

(1743) 'Ā'ishah reported that she bought a pillow (mattress) on which were painted pictures. When the Apostle of Allah (may peace be upon him) saw it, he kept standing at the door of her apartment and did not enter and his face showed signs of displeasure. She said: Apostle of Allah, I repent and ask forgiveness of Allah and His Messenger; what fault is mine? He asked: What pillow (mattress) is this? She said: I bought it, so that you may sit on it, recline on it. The Apostle of Allah (may peace be upon him) said: The makers of pictures will suffer punishment on the Day of Judgment. They will be

521. She was the daughter of 'Abd Allah b. Abī Ṭalḥah.

told to give life to what they had painted in the world. Then he added : No angels enter the house that contains pictures.

Chapter 561

ON EATING THE LIZARD

(1744) Sulaimān b. Yasār reported that the Apostle of Allah (may peace be upon him) entered the house of Maimūnah, daughter of Ḥārith, where he saw a white lizard.[522] With him were 'Abd Allah b. 'Abbās and Khālid b. Walīd. He asked : Where has this come from ? She replied : My sister Hudhailah, daughter of Ḥārith, has sent it as a gift. He asked 'Abd Allah b. 'Abbās and Khālid b. Walīd to eat it. They said : Apostle of Allah, would you not eat it? He said : To me there comes some one or the other from the Lord (its flesh has a queer smell). Maimūnah said : Apostle of Allah, shall I give you milk to drink ? He said : Yes. When he drank it, he asked : Where has this come from ? She said : My sister Hudhailah has sent it as a gift to me. The Apostle of Allah (may peace be upon him) said : If you give over to your sister the slave-girl whom you would set free and regarding whom you had consulted me, in view of your relationship, it would be well and she would graze her sheep and it would be better for you.

(1745) Khālid b. Walīd b. al-Mughīrah entered with the Apostle of Allah (may peace be upon him) into the apartment of Maimūnah, wife of the Prophet (may peace be upon him). There a roasted lizard was brought. The Apostle of Allah (may peace be upon him) raised his hand to eat it. Some of the women, in Maimūnah's house, said : Tell the Apostle of Allah (may peace be upon him) of what he is intending to eat. It was said to him : Apostle of Allah, it is a lizard. The Apostle of Allah (may peace be upon him) withdrew his hand. He was asked : Is it forbidden, Apostle of Allah ? He said : No, but that it is not found in our land and hence I feel a sort of repugnance in eating it. Khālid said : I drew it towards me and I ate it, and the Apostle of Allah (may peace be upon him) was looking on.

522. White lizard means cooked lizard : the meat of this animal turns white on cooking.

(1746) 'Abd Allah b. 'Umar reported that a man asked in a loud voice: Apostle of Allah, what do you say about the flesh of the lizard? He said: I neither eat it, nor is it forbidden.

Chapter 562

ABOUT DOGS

(1747) Sufyān b. Zubair reported that he was propounding a *ḥadīth* to the Companions of the Apostle of Allah (may peace be upon him) at the gate of the Prophet's mosque and saying that if a man kept a dog, not with the intent of watching his fields or guarding his flocks, he would suffer a diminution in his good deeds to the extent of one carat[523] (in weight). Sa'īd asked Sufyān: Did you hear this from the Apostle of Allah (may peace be upon him)? He swore by the Creator of this mosque that he had done so.

(1748) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) said: He who kept a dog for other than hunting or (watching) field would suffer each day and diminution of two carats in his good deeds.

(1749) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) ordered the killing of dogs.

Chapter 563

ON GOATS

(1750) Abū Hurairah reported: The Apostle of Allah (may peace be upon him) said: Heathenism is headed towards the East and the men of horse and camel[524] are boastful and proud and dwellers of the forest, and there is humanity among the men of sheep.[525]

(1751) Abū Sa'īd Khudrī reported that the Apostle of Allah (may peace be upon him) declared: It will soon be that the best of the goods of a Muslim will be sheep with which he will repair to some hill-top or to some valley, to protect his faith from mischief.

523. One carat (*qirāṭ*) is equal to five oats in weight. Here the weight of carat is not known. Keeping dogs is permitted only for three jobs: to guard the flocks, to watch the fields and to hunt.

524. Tribes of Rabī'ah and Muḍar.

525. Yemenites.

(1752) Ibn 'Umar reported that the Apostle of Allah (may peace be upon him) declared: No one should draw milk from another's animal without permission, and he added: Would anyone like that a person should enter his room, break open his treasure and take away his foodgrains? The udders of animals are the keepers in safety of milk; they are like rooms of protection, so no one should draw milk from another man's animals without his permission.

(1753) It reached Mālik that the Apostle of Allah (may peace be upon him) said: There has lived no prophet who has not tended sheep. He was asked: You, too, Apostle of Allah? He replied: I, too.

Chapter 564

ON WHAT TO DO IF A MOUSE FALLS IN *GHEE*; IF IT IS TIME FOR PRAYER AND MEALS ARE SERVED, FIRST MEALS ARE TO BE TAKEN.

(1754) Nāfi' reported that when the evening meal was served to 'Abd Allah b. 'Umar he would listen to the *Imām's* recitation of the Qur'ān in his house and did not hurry with the meal until he had masticated it well.

(1755) Maimūnah, wife of the Prophet (may peace be upon him), reported: The Apostle of Allah (may peace be upon him) was asked as to what should be done if a mouse fell in the *ghee*. He relied: Take it out and throw off what is around (and use the rest).[526]

Chapter 565

ON AVOIDING MISFORTUNE

(1756) Sahl b. Sa'd al-Sā'idī reported the Apostle of Allah (may peace be upon him) as saying: If there had been misfortune in anything, it would have been in three things: a horse, a woman and a house.[527]

(1757) 'Abd Allah b. 'Umar reported that the Apostle of Allah

526. Only when the *ghee* is frozen, but if it is in a liquid state, the entire *ghee* is to be thrown away.

527. In other words, existence of misfortune is denied.

(may peace be upon him) declared: There was evil in (three things): a horse, a woman and a house.

(1758) Yaḥyā b. Sa'īd reported: A woman came to the Apostle of Allah (may peace be upon him) and said: Apostle of Allah, there was a house where we went and lived. We were many in number and our property was large. Our numbers diminished and the property suffered loss. The Apostle of Allah (may peace be upon him) said: Leave that house, if thou thinkest it evil.

Chapter 566

ON GIVING UP OF BAD NAMES

(1759) Yaḥyā b. Sa'id reported that the Apostle of Allah (may peace be upon him) said: Who will milk that milch camel? A man stood up. The Apostle of Allah (may peace be upon him) asked him: What is your name? The man said: Murrah. The Apostle of Allah (may peace be upon him) told him to sit down.[528] The Apostle of Allah (may peace be upon him) asked again: Who will milk this she-camel? Another man stood up. The Apostle of Allah (may peace be upon him) asked his name and the man said it was Ḥarb. The Apostle of Allah (may peace be upon him) said: Sit down.[529] The Apostle of Allah (may peace be upon him) again asked: Who will milk this she-camel? A man stood up. The Apostle of Allah (may peace be upon him) asked: What is your name? He replied: Ya'ish.[530] The Apostle of Allah (may peace be upon him) told him to milk the she-camel.

(1760) Yaḥyā b. Sa'id reported that 'Umar b. al-Khaṭṭāb asked a man: What is your name? He said Jamrah (fire). He asked: What is your father's name? The man replied: Shihāb (flame). He asked: What is your tribe? The man replied: Hurqah (burning). He asked: Where do you live? He answered: At Ḥarrat al-Nār. He asked: In which place? The man replied: Dhāt Lazā (fire and flame). 'Umar b. al-Khaṭṭāb said: Go and see your people. They have all been burnt. He

528. *Murrah* also means bitter. That is why the Holy Prophet (may peace be upon him) did not like the name.

529. *Harb* means fighting which the Holy Prophet (may peace be upon him) did not like.

530. *Ya'ish* is from *'aish* (enjoyment).

narrated that he found as 'Umar b. al-Khaṭṭāb had said.

Chapter 567

ON CUPPING AND ITS WAGES

(1761) Anas b. Mālik reported that the Apostle of Allah (may peace be upon him) had himself cupped by the hand of Abū Ṭayyibah and paid him, as wages, one ṣā' of dates and ordered the authorities to reduce the amount of his *kharāj*.

(1762) It reached Mālik that the Apostle of Allah (may peace be upon him) said: If there is a remedy that will reach a disease, it is having oneself cupped.

(1763) Ibn Muḥayyiṣah Anṣārī, one of the Banū Ḥārithah, asked the Apostle of Allah (may peace be upon him) whether the wages of a cupper could be taken over.[531] He (the Apostle) forbade it. He asked repeatedly and begged permission of the Apostle who at last said: Spend the wages on feeding the slaves and camels.

Chapter 568

ABOUT THE EAST

(1764) 'Abd Allah b. 'Umar reported: I saw the Apostle of Allah (may peace be upon him) pointing towards the east and saying: Evil is even from this side, evil is even from this side, from where the horn of Satan rises.

(1765) It reached Mālik that 'Umar b. al-Khaṭṭāb desired to go to Iraq, when Ka'b al-Aḥbār said: Do not go there, Commander of the Faithful, there are nine parts of magic out of ten, and all mischievous and evil genii are there and there is a disease that has no cure.

Chapter 569

ON SNAKES AND KILLING THEM

(1766) Abū Lubābah reported: The Apostle of Allah (may peace be upon him) prohibited killing snakes that are in houses.

531. He wished to appropriate the earnings of his slave, Abū Tayyibah, who was a cupper.

(1767) Sā'ibah, the freed-woman of 'Ā'ishah, reported: The Apostle of Allah (may peace be upon him) prohibited the killing of snakes that live in houses, except Dhāt-Ṭufyatain[532] and Abtar[533] for they blind the eye and bring about abortion.

(1768) Abū Sā'ib, the freedman of Hishām b. Zuhrah, reported: I went to Abū Sa'īd Khudrī and I found him praying. I sat down waiting for him to finish. Just then I heard a rustle underneath his couch, and saw it was a snake. I rose to kill it. Abū Sa'īd signed asking me to sit down. When he finished his prayer, he signed towards a room and said: Do you see that room? I said: Yes. Abū Sa'īd Khudrī said: In that room there lived a youth who was newly married. He went with the Apostle of Allah (may peace be upon him) to the Battle of Trench (*Khandaq*). Suddenly that youth came to him (the Prophet) and said: Apostle of Allah, give me permission so that I may take a vow from my family. The Apostle of Allah (may peace be upon him) gave him permission and said: Carry weapon, for I am afraid that Banī Quraiẓah may do you harm. The youth repaired to his family and found his wife standing between the planks of the door. (Feeling debased) the youth raised his lance to strike (her). His wife said: Do not be in haste, go indoors and see what is within your house. He went in and saw a snake coiled up on his bed. The young man ran the lance through the snake and fixed the lance in his house. The snake was struggling on the point of the lance. The youth felt giddy and fell dead. It is not known who died first, the youth or the snake. When the Apostle of Allah (may peace be upon him) was told about this incident, he said: In Medina, the Jinn have become Mussalmans; so whenever you see one of them, warn him for three days. If he then appears after that, kill him; it is Satan.

Chapter 570

ON PRAYER FOR JOURNEY

(1769) It reached Mālik that whenever the Apostle of Allah (may

532. A snake which has two white stripes on its belly.

533. A snake which has a short tail.

peace be upon him) put his foot in the stirrups, with the intention of travel, he would say:

بِسْمِ اللّٰهِ اَللّٰهُمَّ اَنْتَ الصَّاحِبُ فِي السَّفَرِ وَالْخَلِيفَةُ فِي الْاَهْلِ اَللّٰهُمَّ ازْوِ لَنَا
الْاَرْضَ وَهَوِّنْ عَلَيْنَا السَّفَرَ اَللّٰهُمَّ اِنِّي اَعُوذُ بِكَ مِنْ وَعْثَاءِ السَّفَرِ وَكَآبَةِ
الْمُنْقَلَبِ وَمِنْ سُوْءِ الْمَنْظَرِ فِي الْمَالِ وَالْاَهْلِ ؛

[O Lord, I undertake the journey in Thy Name. Thou art my Companion in travel and *Khalīfah* for my family. O Lord, make our destination near and make our travel easy. O Lord, I seek refuge in Thee from the pains and difficulties of travel and from a bad return and from a bad state of affairs in goods and family.]

(1770) Khaulah, daughter of Ḥakīm, reported: The Apostle of Allah (may peace be upon him) declared: If anyone should sit at a halting place and say:

اَعُوذُ بِكَلِمَاتِ اللّٰهِ التَّامَّاتِ مِنْ شَرِّ مَا خَلَقَ ؛

[I seek refuge in all the words of the Lord from mischief of all creatures]

he will not suffer harm from anything until start.

Chapter 571

PROHIBITION ON A MAN AND A WOMAN TRAVELLING ALONE

(1771) 'Abd Allah b. 'Amr b. al-'Āṣ reported that the Apostle of Allah (may peace be upon him) said: He who journeys alone is a Satan[534] and two travelling together are two Satans and three a group.[535]

(1772) Sa'īd b. al-Musayyab reported that the Apostle of Allah

534. That he is far away from peace and goodness, or is disobedient to the commands of Allah.

535. When there are three persons travelling together, it is very comfortable for them. If one goes to answer the call of nature and another prepares the food, the third watches their goods. If two of them quarrel, the third functions as a reconciler. There are many other advantages for three persons travelling together. Many scholars say it is repugnant to travel alone. Some say that this applied only to the time when travelling alone was full of danger on account of the enmity of the non-believers, but in times of peace, that is not necessary.

(may peace be upon him) said: Satan intends to do evil to one or two, but does not do so if there are three.

(1773) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said: It is not proper for a woman who believes in the Lord and the Hereafter, to journey one day and night save with her *maḥram*.[536]

Chapter 572

COMMANDS REGARDING TRAVEL

(1774) Khālid b. Ma'dān reported that the Apostle of Allah (may peace be upon him) said: The Lord is gentle and likes gentleness and aids gentleness but not harshness. When you ride on those speechless animals, let them rest at their halting places and should the land there be barren and void of vegetation, take them away and make it obligatory to travel by night, for distances are not so well travelled during day as during night.[537] When you halt at night, do not do so by the wayside, for beasts frequent the places and snakes live there.

(1775) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said: Travel is a sort of punishment. It prevents man from food and drink and sleep. When any of you travels for business and the work is over, hurry homewards to your family.

Chapter 573

ON BEING MILD TO SLAVE OR SLAVE-GIRL

(1776) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said: Slaves should be fed and clothed according to custom and work beyond their capacity should not be taken from them.

(1777) It reached Mālik that 'Umar b. al-Khaṭṭāb used every Saturday to go to the suburbs (of Medina). When he saw a slave busy

536. For instance, her father, brother, husband, etc.

537. Because during d vtime one has to care for food and drink and there is the hardship of the heat of the sun and man...an attraction.

on work beyond his capacity, he had it diminished.

(1778) Mālik b. Abī 'Āmir Aṣbaḥi reported : 'Uthmān b. 'Affān in his sermons used to say that a slave-girl who did not know any art should not be forced to earn, for, if forced, she will take to evil ways to earn money. He also used to say that a minor slave should not be compelled to earn, for (if forced) he would begin to steal. He said: When the Lord has given you sufficiency, you too should exempt them from work as Allah has exempted you and make that income alone obligatory that is valid.

Chapter 574

ON THE TRAINING AND MANNERS OF SLAVES AND SLAVE-WOMEN

(1779) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) declared: When the slave is faithful to his master and worships well, he earns a double reward.

(1780) It reached Mālik that 'Abd Allah b. 'Umar had a slave-girl who used to put on the appearance of a free woman. 'Umar disliked it.[538]

Chapter 575

ON OWING ALLEGIANCE

(1781) 'Abd Allah b. Dīnār reported that 'Abd Allah b. 'Umar said: When we took a vow at the hands of the Apostle of Allah (may peace be upon him) of complete obedience of action and hearing, he used to say: As far as it lies in your power to do so.

(1782) Umaimah, daughter of Ruqaiqah, reported: I went to the Apostle of Allah (may peace be upon him) and a number of women had come to accept Islam on his hands. They said: Apostle of Allah, we declare that we shall not join anyone with Allah, nor commit theft, nor adultery, nor kill our children, nor lay false accusation against

538. Because then the people would be deceived and would not be able to distinguish between a slave-girl and a free woman.

anybody, nor go against you in deeds of virtue. The Apostle of Allah (may peace be upon him) said: As far as it lies in your power to do so.[539] The women said: Allah and His Apostle have greater kindness than ourselves over us. Come, Apostle of Allah, so that we may make the vow (by giving our hands in yours). The Apostle of Allah (may peace be upon him) said: I do not take the hands of women. My speaking to one woman is the same as speaking to a hundred and my speaking to a hundred women is like speaking to one.

(1783) 'Abd Allah b. Dīnār reported that 'Abd Allah b. 'Umar wrote to 'Abd al-Malik b. Marwān a deed of allegiance to the following effect: In the name of Allah, the Compassionate, the Merciful. The servant of Allah, 'Abd al-Malik, Commander of the Faithful. Greetings. I praise Him other than Whom there is no god and promise to listen to thee and obey thee in accordance with the Commands of Allah and of His Apostle (may peace be upon him) as far as it lies in my power.

Chapter 576

ON USING FOUL SPEECH

(1784) 'Abd Allah b. 'Umar reported that the Apostle of Allah (may peace be upon him) said: One who calls his brother an infidel, one or the other becomes so.[540]

(1785) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said: When thou shouldst hear a man saying that the people have perished, it will be he himself who will suffer the most.

(1786) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said: No one amongst you should speak evil of *dahr* (time), as Allah Himself is *dahr*.[541]

539. The Holy Prophet (may peace be upon him) made it easy for the women to obey the Divine Commands according to what lied in their power, and thus made them happy. A happy man is always very loyal.

540. If the person called an infidel is not an infidel, the one calling him an infidel becomes an infidel.

541. In times of disaster, the polytheists used to blame the time. The Holy Prophet (may peace be upon him) forbade people blaming time for bad days, as the bounties or calamities are destined by Allah: as such blaming the time is complaining against Allah, which amounts to polytheism.

(1787) Yaḥyā b. Sa'īd reported : Jesus Christ son of Mary came across a pig and he said : Go away in peace. It was said to him : Do you speak so (gently) to a pig? Jesus son of Mary exclaimed : I fear that my tongue may not get used to evil speaking.

Chapter 577

ON TALKING CAREFULLY

(1788) Bilāl b. Ḥārith al-Muzanī reported that the Apostle of Allah (may peace be upon him) said : A man says something and is not aware as to the extent of effect it produces. In lieu of it, Allah expresses His liking of him until the Day of Judgment. He speaks another thing and is not aware of the effect it produces and in lieu of it Allah expresses His dislike of him until the Day of Judgment.

(1789) Abī Ṣāliḥ al-Sammān said that Abū Hurairah pointed out : A man speaks something unawares that takes him to Hell and he speaks something unawares that takes him to Paradise.

Chapter 578

CONDEMNATION OF USELESS TALK

(1790) Zaid b. Aslam reported : Two men came from the East and they delivered a sermon. The people were delighted. The Apostle of Allah (may peace be upon him) said : Speeches have magical effect, or he said : Some speeches have magical effect.

(1791) Mālik reported that Jesus son of Mary declared : Do not indulge in useless talk apart from the remembrance of Allah, otherwise your hearts will become hard and a hard heart is far away from Allah and you do not know it. Do not look out for the faults of men as if you yourself are the creator. Look at your faults knowing yourself to be a creature of the Lord. Men are of various kinds ; some are sick and some are well. Be kind to the sick and thank Allah for your health.

(1792) Mālik reported that it reached him from 'Ā'ishah, wife of the Prophet (may peace be upon him), that she used to send word through her men after the night prayer and say : Will you not give

respite to the recording angels.

Chapter 579

ON BACKBITING

(1793) Khālid b. 'Abd Allah b. Ṣayyād reported that Muṭṭalib b. 'Abd Allah b. Ḥantab al-Makhzūmī reported that a man asked the Apostle of Allah (may peace be upon him): What does backbiting mean, Apostle of Allah? The Apostle of Allah (may peace be upon him) said: The describing of the state of a man in such a manner that, if he should hear it, it should seem repugnant to him. (The man) said: Apostle of Allah, even if it is true? The Apostle of Allah (may peace be upon him) said: If you speak false, it would be a calumny.

Chapter 580

THE SIN OF THE TONGUE

(1794) 'Aṭā' b. Yasār reported that the Apostle of Allah (may peace be upon him) said: Allah would send that man to Paradise who should be protected by Him from two things. The man said: Apostle of Allah, will you not inform us of these two things? He (the Prophet) kept silence. The Apostle of Allah (may peace be upon him) said as he had done before and the man said: Apostle of Allah, will you not inform us of those things? The Apostle of Allah (may peace be upon him) then gave vent to the same expression and the man repeated his request as before, and a man who was standing by asked him to keep quiet. Then the Apostle of Allah (may peace be upon him) himself declared: If the Lord should protect a man from the mischief of two things, he shall enter Paradise: firstly, from that which is between his two jaws and, secondly, from that which is between his two loins. From that, from that, from that, from that, from that. . . .

(1795) Aslam al-'Adawī reported that 'Umar b. al-Khaṭṭāb went to Abū Bakr Ṣiddīq who was pulling out his tongue. 'Umar b. al-Khaṭṭāb said: Stop! Allah may forgive you! Abū Bakr said: This put me to ruin and destruction.

Chapter 581

TWO PERSONS SHOULD NOT WHISPER IN THE PRESENCE OF A THIRD PERSON

(1796) 'Abd Allah b. Dīnār reported : I and 'Abd Allah b. 'Umar were in the house of Khālid b. 'Uqbah which was close to the market-place. Then came a man who wanted to speak something in the ear of 'Abd Allah b. 'Umar and at the time there was nobody there excepting myself. 'Abd Allah b. 'Umar sent for another man, so that we were now four. Then 'Abd Allah b. 'Umar asked me and the newcomer to stand aside, for he said he heard the Apostle of Allah (may peace be upon him) saying that his men should not whisper to each other leaving alone (a third), for it would give him pain.

(1797) 'Abd Allah b. 'Umar reported : The Apostle of Allah (may peace be upon him) declared : where there are three persons, two should not whisper to each other leaving the third in the lurch.

Chapter 582

ON TRUTH AND FALSEHOOD

(1798) Ṣafwān b. Sulaim reported : A man asked the Apostle of Allah (may peace be upon him) : Can I tell a lie to my wife ? The Apostle of Allah (may peace be upon him) said : It is not proper to tell a lie. The man said : Can I promise my wife to do this and to get that. The Apostle of Allah (may peace be upon him) said : There is no harm in it.

(1799) It reached Mālik that 'Abd Allah b. Mas'ūd used to say : Speak the truth for a true speech points the way to good and good takes one to Paradise ; avoid falsehood, for falsehood leads to evil and evil takes one to Hell-fire. Have you not heard people saying : Such and such spoke the truth and prospered and such and such spoke falsehood and suffered ?

(1800) Mālik reported that it had reached him that someone asked Luqmān as to how he attained such great and exceptional worth. Luqmān replied : By speaking the truth, fulfilling trusts and by abandoning what was of no significance.

(1801) 'Abd Allah b. Mas'ūd used to say that when a man always tells lies a black spot is produced in his heart, till his whole heart gets blackened and his name is written with Allah amongst liars.

(1802) Ṣafwān b. Sulaim reported: A man asked the Apostle of Allah (may peace be upon him): Can a believer be a coward? He said: Yes. He was again asked: Can a believer be a miser? He replied: Yes. He was again asked: Can a believer be a liar? The Apostle of Allah (may peace be upon him) said: No.

Chapter 583

ON EXTRAVAGANCE AND DOUBLE-FACEDNESS

(1803) Abū Ṣāliḥ reported: The Apostle of Allah (may peace be upon him) said: Allah gets pleased with you for three things and gets displeased for three things. The things that please Him are that you should worship Him and join with Him no other, you should hold on to the rope of Allah and counsel your ruler. The things that displease Him are vain talk, extravagance and asking too much.

(1804) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said: The worst of men is the double-faced man, who goes and says one thing to one group of persons and when with another group speaks to their tune.

Chapter 584

DESTRUCTION OF THE ENTIRE CREATION FOR THE SIN OF A FEW

(1805) Mālik reported that it reached him that Umm Salamah asked: Apostle of Allah, shall we be destroyed even when there are good men amongst us? He said: Yes, when sins shall be great and excessive.

(18 6) 'Umar b. 'Abd al-'Azīz used to say: Allah will not punish the general masses for the sins of particular persons except that the matters of sin should be openly talked about when all would deserve punishment.

Chapter 585

ON FEARING ALLAH

(1807) Anas b. Mālik said: I heard 'Umar b. al-Khaṭṭāb (when) I went with him until he entered a garden, saying: Oh, oh, son of Khaṭṭāb, fear Allah or Allah will punish thee.

(1808) Mālik reported that it reached him that Qāsim b. Muḥammad used to say: I have seen men who were never carried away by the magic of words.

Chapter 586

WHAT TO SAY WHEN THERE IS A THUNDER CLAP

(1809) 'Āmir b. 'Abd Allah b. Zubair reported that whenever he heard the noise of thunder, he would leave off speaking and say: Holy is He Whose Holiness is described by thunder and the angels speak of His holiness out of His fear; for those who live on the earth, their noise is hard and severe warning.

Chapter 587

INHERITANCE FROM THE PROPHET (MAY PEACE BE UPON HIM)

(1810) 'Ā'ishah, mother of the Believers, related: After the death of the Apostle of Allah (may peace be upon him), the wives of the Prophet (may peace be upon him) desired to send 'Uthmān b. 'Affān to Abū Bakr Ṣiddiq to demand their inheritance from the Apostle of Allah (may peace be upon him). 'Ā'ishah said to the ladies: Did not the Apostle of Allah (may peace be upon him) say: We leave no inheritors and that whatever should be left would be alms (*ṣadaqah*).

(1811) Abū Hurairah reported: The Apostle of Allah (may peace be upon him) said: After me, the dīnārs I have will not be distributed among my heirs. After providing for the maintenance of my ladies and the expense of my *'āmil*, the *Khalīfah*, the remainder is alms (*ṣadaqah*).

Chapter 588

AN ACCOUNT OF THE HELL

(1812) Abū Hurairah reported: The Apostle of Allah (may peace be upon him) said: The fire which men kindle is a part, one seventhieth, of the parts of Hell-fire. The people said: This fire of the world was enough, Apostle of Allah (to burn). He said: That fire is sixty-nine parts more.

(1813) Abū Hurairah said: Do you think that Hell-fire is as red as your fire? It is blacker than *qār* (pitch) and *qār* is thick.

Chapter 589

THE MERIT OF CHARITY (*ṢADAQAH*)

(1814) Abū al-Ḥubāb Sa'd b. Yasār reported that the Apostle of Allah (may peace be upon him) said: The man who gives charity (*ṣadaqah*) from his lawful earnings—and Allah accepts naught but what is lawful—puts that as if in the palm of Allah and Allah nourishes it as you nourish the young one of a sheep or a camel, until that charity grows as big as a mountain.

(1815) Anas b. Mālik said: Abū Ṭalḥah had more property than other *Anṣār* in Medina, i.e. he had the greatest number of date-trees. Of all his property he liked one garden the best. It was named Bairuḥā', and it was in front of the mosque. The Apostle of Allah (may peace be upon him) used to go there and drink of the water there that was of the best quality. Anas said: When the verse descended:

لَنْ تَنَالُوا الْبِرَّ حَتّٰى تُنْفِقُوْا مِمَّا تُحِبُّوْنَ ۥ

[You will not acquire good until you spend of that which you like the best]

Abū Ṭalḥah went to the Apostle of Allah (may peace be upon him) and said: Apostle of Allah, verily Allah says: You will not acquire good until you spend of that which you like best, and I like Bairuḥā' most of all my property, and it is charity which I offer to Allah and desire good and reward from Him. It is my store with Allah. The Apostle of Allah (may peace be upon him) said: Oh, this property

will be the bringer of great reward and profit. I have heard what you have said about it. I should advise you to distribute this amongst your relations. Abū Ṭalḥah said: I shall do so, Apostle of Allah, and he distributed it amongst his relations and his cousins, the sons of his uncle.

(1816) Zaid b. Aslam reported: The Apostle of Allah (may peace be upon him) said: Give to the beggar even if he comes on horseback.[542]

(1817) On the authority of Ḥawwā', daughter of Yazīd b. Sakan, the Apostle of Allah (may peace be upon him) is reported to have said: O Muslim women, do not, any of you, insult your neighbour even if she sent to you a burnt shin of a sheep.

(1818) It reached Mālik that a beggar went to 'Ā'ishah, wife of the Prophet (may peace be upon him), and she was fasting and had nothing in the house except one bread. She asked her freed-woman to give that bread to the beggar. The girl answered: There would be left nothing for you to break your fast with. 'Ā'ishah said: Give it away. She did so. When evening came, a share came to 'Ā'ishah of some cooked mutton. She sent for the freed-woman and said: Eat. Is this not better than your bread?

(1819) It reached Mālik that a poor man came asking for food to 'Ā'ishah, wife of the Prophet (may peace be upon him), and she had grapes in front of her. She asked a man to give him a grape. He looked with surprise. 'Ā'ishah remarked : Do you consider this one grape inconsequent ?

Chapter 590

AVOIDANCE OF BEGGING

(1820) Abū Sa'īd Khudrī reported that a man from amongst the *Anṣār* begged of the Apostle of Allah (may peace be upon him) and he gave. He begged again and he gave, until all was finished. Then the Apostle of Allah (may peace be upon him) said : Whatever should

542. This is a weak *ḥadith* and religious scholars differ on its authenticity.

be with me, I shall not hesitate to give; but he who avoids begging, and remains contented with whatever is given to him, puts on an outward show of wealth, Allah will make him rich, and he who is patient, Allah will give him enough capacity to be patient and there is naught better and more expansive than patience.

(1821) ‘Abd Allah b. ‘Umar reported that the Apostle of Allah (may peace be upon him) stood on the pulpit and spoke of charity and avoiding begging: The hand that avoids begging is the upper hand and it is better than the lower hand. The upper hand is the expending hand and the lower one, the begging hand.

(1822) ‘Aṭā’ b. Yasār reported: The Apostle of Allah (may peace be upon him) sent some goods to ‘Umar b. al-Khaṭṭāb and he returned them. When asked why he had returned them, he replied: Apostle of Allah, you told us that he is a better man who does not take anything from anybody. The Apostle of Allah (may peace be upon him) said: That meant that you should not beg, but whatever comes without asking, it is a sustenance and Allah gives you sustenance. ‘Umar cried out: By the Lord Who possesses in His hand my life, I shall never beg anything of anybody and whatever should come unasked for, I shall take it.

(1823) Abū Hurairah reported that the Apostle of Allah (may peace be upon him) said: By the Lord Who holds my life in His possession, if one of you should tie a bundle of sticks and carry it on his back, he would be doing better than to go to one on whom Allah has bestowed wealth and beg of him anything and he may or may not give.

(1824) A man of Banī Asad reported: I and my family halted at Baqī‘ al-Gharqad. My wife asked me to go to the Apostle of Allah (may peace be upon him) and ask of him something to eat and describe my necessity. I went to the Apostle of Allah (may peace be upon him) and found a man begging. The Apostle of Allah (may peace be upon him) told him: I have nothing with me to give. The man, in anger, turned his back and went away saying: By my age, you give only to him whom you like. The Apostle of Allah (may peace be upon him) said: Look, he is angry at the fact that I have nothing with me out of which to give. The Asadī said: I said: One camel is better with us than one ūqiyah.

(Mālik said : One ūqiyah is equal to forty dirhams.) I turned back and did not ask anything of the Apostle of Allah (may peace be upon him). Later there came to the Apostle of Allah (may peace be upon him) barley and raisins. He distributed them amongst us also until the Lord made us rich.

(1825) 'Alā' b. 'Abd al-Raḥmān used to say : By giving charity in the name of Allah, no loss ever occurs to property ; the man who gives finds his honour enhanced and Allah elevates him who is hospitable.

Chapter 591

ON CHARITY THAT IS REPUGNANT

(1826) It reached Mālik that the Apostle of Allah (may peace be upon him) declared : No charity (*ṣadaqah*) is valid for the family of Muḥammad.[543] Verily it is the dirt of the people.

(1827) Abū Bakr b. Muḥammad b. 'Amr b. Ḥazm reported : The Apostle of Allah (may peace be upon him) appointed a man of Banī 'Abd Ashhal as a collector of *ṣadaqah*. When he returned he demanded (in addition to his wages) a *ṣadaqah* camel. The Apostle of Allah (may peace be upon him) was displeased until his face showed signs of anger. The anger showed itself on his face in such a manner that both his eyes became red. He said : A man begs of me. Neither I like it nor would (his conscience) like it. If I (went to) forbid him, I dislike to do so. If (however) I give him anything, the giving is palatable neither to me nor to him. The man answered : Apostle of Allah, I shall not ask of you anything in future.

(1828) 'Abd Allah b. Arqam said to Aslam al-'Adawi : Lead me to a camel from amongst the camels for riding, which I may ask from the Commander of the Faithful to give me. I (Aslam al-'Adawi) said : Yes, there is a camel of *ṣadaqah*. 'Abd Allah b. Arqam said : Would you like that a rustic should in hot weather bathe below his loin cloth and his armpits and give that bath water to you to drink. I got furious. I said : May Allah forgive you ! Do you speak in this manner

543. To Banī Hāshim and, according to some scholars, to Banī al-Muṭṭalib also.

with me? 'Abd Allah b. Arqam said: *Ṣadaqah* is the dirt of people and it washes that dirt away.

Chapter 592

ON ACQUISITION OF KNOWLEDGE

(1829) Mālik related that it reached him that Luqmān the Wise, before his death, advised his son saying: O my dear son, associate with the learned and sit respectfully in their presence for Allah gives life to hearts by the light of His wisdom, as he revives the dead earth by life-giving rain from the firmament.

Chapter 593

ON PROTECTION FROM THE CURSE OF ONE OPPRESSED

(1830) Aslam 'Adawī said that 'Umar b. al-Khaṭṭāb said to his freedman Hunayyah, whom he placed in charge of the *ḥimā*:[544] Stretch not thy wing to (treat leniently) any Muslim. Beware of the cry of the oppressed for it is answered. Admit to the *ḥimā* the owner of the small herd of camels and sheep, but keep off the cattle of Ibn 'Affān and Ibn 'Auf, for if their cattle should perish they resort to sowing, whereas if the cattle of this poor man perish, he comes to me crying: O Commander of the Believers, O Commander of the Believers, to offer grass is easier for the Muslims than to offer money in gold and silver.[545] By Allah, this is their land for which they fought in pre-Islamic times and which was included in their terms when they became Muslims. They would, therefore, cartainly feel that I oppose them, and had it not been for the cattle (received by declaring a place *ḥimā*) to be used in the cause of Allah, I would never make a part of a people's land *ḥimā*.

544. Protected pasture-land where *ṣadaqah* animals are kept.

545. This means that it is easier to let the owner of a small herd feed his flock at the *ḥimā* than to give him money to sustain his children.

Chapter 594

ON THE NAMES OF THE PROPHET (MAY PEACE BE UPON HIM)

(1831) The Apostle of Allah (may peace be upon him) said: My names are five. I am *Muḥammad* (highly praised); I am *Aḥmad* (the most worthy of praise); I am *Maḥi* (destroyer of *kufr*); Allah will destroy *kufr* through me; and I am *Ḥāshir*, and Allah will make people follow my footsteps; and I am '*Aqib* (the Seal of the Prophets).

THE END

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